

MHTH030226052026



Criminal Misc. Application No. 3008/2026

Shivkala Urban Co-Operative Credit Society Ltd., ... Applicant

Vs.

Pradeep Basantram Rupani & 1 ... Non applicants

ORDER BELOW EXH. 1

This is an application under Rule 107(11)(d-1)(vi)(a) of the Maharashtra Co-operative Societies Rules, 1961 (in short “MCS Rules”) for taking possession of the attached property known as “ALL THAT Part & Parcel of Commercial Premises Known as Shop No. 101, on First Floor, Jai Shakti Market/Sai Shakti Market, Behind Jai Bhavani Market, Near Manmandir Jewellers, Shiru Chowk, Ulhasnagar - 02, Tal. Ulhasnagar, Dist. Thane, Ward No. 21, Municipal Property No. 21BI018070100, within the SubRegistration District Ulhasnagar and Registration District Thane and within the local limits of Ulhasnagar Municipal Corporation ”.

2] Heard Ld. Advocate on behalf of applicant and I have carefully gone through the application, affidavit and documents on record viz Recovery certificate, Demand Notice etc. From the record, it is very much clear that Respondents are borrowers and guarantors for loan facility of Rs.3,00,000/- sanctioned by the Managing Committee of the applicant on 05/03/2021. However, respondents failed to refund the said loan amount. The applicant has classified the account of such debt as Non Performing Asset (NPA). Therefore, the applicant constrained to file a dispute before the Maharashtra Co-operative Societies Act and accordingly, recovery certificate issued on 05/03/2026 in favour of the Applicant's Bank Recovery Certificate No. वसुली दाखला स.नि./उ.नगर/बी२/शिवकला के.सोसा. /कलम१०१/१२५०/२०२६ for a total outstanding of Rs.3,76,016/-.

3] Thereafter, Special Recovery Officer as per the provisions of Rule 107(11)(d-a) of the MCS Rules, on the basis of above recovery certificate, issued demand notice dt. 06/03/2026 to the respondents and the same has been received by them. However, the respondents failed to comply the notice. Hence, the applicant has completed necessary conditions as required under MCS Rules. Further, it is very much clear from the Demand Notice under section 156 of MCS Act read with Rule 107 of the MCS Rules, issued by Special Recovery Officer, that an amount of Rs.3,82,547/- is recoverable from the respondents. Thereafter, the recovery officer took symbolic possession of the property. The applicant issued possession notice dated 21/04/2026. The said symbolic possession notice published in Marathi & English newspapers. Further, it also reveals from the affidavit that no case is pending in respect of the property referred above and there is no tenant/leasee and/or any other person in the said property.

4] Considering the facts and circumstances, to my mind, there is no barrier to pass an order in favor of applicant as the property is situated within the territorial jurisdiction of this Court and claim is within limitation. Thus, I proceed to pass following order :

ORDER

- i) Application is allowed.
- ii) Advocate Vrushali Purushottam Patil, MAH/4075/ 2004, Mobile No. 9224156405 is hereby appointed as Court Commissioner to take possession of subject matter.
- iii) Applicant is directed to deposit amount of Rs.15,000/- in court towards court commissioner's fees.
- iv] Fees of Court Commissioner be paid on submission of report in court.

Thane

(V.M. Karhadkar)

Date : 17/08/2026

Chief Judicial Magistrate, Thane