MHAU030154162025

ORDER BELOW EXH. 1 IN CRI. M. A. No.2305/2025

Muthoot Housing Finance Company Ltd. Vs. Hukum & Anr.

1) The applicant Muthoot Housing Finance Company Ltd., has filed this application for assistance for possession as per section 14 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the said Act).

2) The non-applicants approached the applicant for loan. Accordingly, applicant sanctioned loan facilities of Rs.6,18,059/- vide sanction letter dated 10.05.2023. Thereafter necessary documents were executed. The non-applicants executed mortgage deed of the property mentioned in the prayer clause (a) of the application. The non- applicants did not maintain the account properly and their account is declared as NPA on 29/12/2024.

3) The applicant issued demand notice dated 14.02.2025 under Section 13(2) of the said Act to borrower demanding outstanding amount of Rs.6,66,843/- along-with further interests till realization.

4) The demand notice was issued to the non-applicants and also published in two newspapers on 28.02.2025. Thus, notices were served on the non applicants, but they failed to pay the amount as per the demand notice as well as failed to file any objection. Despite the notice as aforesaid, the respondent failed to discharge liability within statutory period of 60 days from the date of service of notice. Therefore, the applicant published the notice under Section 13(4) of the said Act for possession and also sent the notice for taking the symbolic possession of the mortgage property more particularly mentioned in

schedule of the application. Therefore, application is liable to be allowed. Hence, I proceed to pass following order.

ORDER

1) The applicant to take possession of property – All that piece and parcel of property bearing Milkat No.5428, Area Adm.544 Sq.ft situated at Jogeshwari, Tq. Gangapur, Dist. Chhatrapati Sambhajinagar bounded as :- East- road, West –Open space, South- open space and North-Milkat no.5427, by taking such steps and using such force as may be legally necessary.

2) The Court Commissioner **Karan Laxman Tupe** is hereby appointed to take and assist to take possession of the mortgage property to applicant. The Court Commissioner shall take the possession of the mortgage property by taking all appropriate steps, if the mortgage property is locked, then by breaking the lock by following procedure.

3) The In-charge Police Officer of concerned Police Station, within whose jurisdiction the property is situated directed to provide necessary police protection for the execution of the aforesaid possession warrant at the cost of the applicant.

4) The applicant shall have to bear the requisite Court Commissioner fees i.e. Rs.10,000/- (Rs. Ten Thousand only) as per rule.

5) Issue writ accordingly

Digitally signed by BHANUDAS VINAYAK DIWAKAR
Date: 2025.07.31 12:00:15 +0530

(B.V.Diwakar)
Additional Chief Judicial Magistrate
(Court No.7), Aurangabad

Date:-30/07/2025