



ORDER BELOW EXH. 1 IN E-filed Cri. M.A. No. 2412/2024
(Muthoot Housing Finance Company Limited Vs. Rushikesh Kadubal
Laghane & others)

1] By the present application, the applicant company has sought for assistance for possession as per section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the said Act).

2] The non-applicants approached to the applicant company for loan. Accordingly, applicant sanctioned loan facilities of Rs. 6,22,676/- dated 05/12/2020. Then the necessary documents were made. The non-applicants gave mortgage of the property mentioned in prayer clause of the application. The non-applicants did not maintain the account properly and their account was declared as NPA on 01/06/2023.

3] The applicant company issued demand notice dated 22/06/2023 under Section 13(2) of the said Act to borrower demanding outstanding amount Rs. 6,66,282/- as on 13/06/2023 alongwith further interests till realization. The demand notice is not served but it is published in English news paper "Business Standard" and Marathi news paper "Loksatta" dated 30/06/2023. The non-applicants failed to pay the amount as per the demand notice as well as failed to file any objection to the said notices to the applicant. So the applicant is entitled to take possession of the mortgage property.

Thus, no need to reject. Hence, I proceed to pass following order.

ORDER

1. The applicant company to take possession of property- All the part and parcel of the property consisting of that milkat No. 125 and 118 admeasuring area 400 sq.ft total 1200 sq.ft at Ranjangaon Khuri, Tq. Paithan, Dist. Aurangabad, Maharashtra bounded as follows- East: Devrao Indapure, West: Road, South: Padmabai Devidas Laghane, North: Janardhan Indapure by taking such steps and using such force as may be legally necessary
2. The Court Commissioner Adv. Sagar D. Madake 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 costs of the applicant.
4. The applicant shall have to bear the requisite Court Commissioner fees i.e. 5000/- (Rs. Five Thousand only) as per rule.
5. The compliance of the order be reported within 90 days of the receipt of this order.
6. Issue writ accordingly.

(Vaishali Hangargekar)
4th Additional Chief Judicial Magistrate,
Aurangabad.

Date : 26.12.2024.