MHAU030238352024

Cri.M.A. No.2413/2024
(E-filing No. AMH20230038091C202400016)
(Muthoot Housing Finance Company Ltd. Vs. Sanjay and others)

ORDER BELOW EXH.1

1] By the present application, the applicant bank 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 bank for loan. Accordingly, applicant bank sanctioned Home Loan facility of Rs.5,32,531/- vide sanction letter dated 17.12.2020. Then the necessary documents were made. The non-applicants gave mortgage of the property mentioned in the prayer clause of the application. The non-applicants did not maintain the account properly and their account is declared as NPA on 28.02.2023.

3] The bank issued demand notice dated 29.04.2023 under Section 13(2) of the said Act to borrower demanding outstanding amount Rs.3,40,419/- due as on 29.04.2023 alongwith further interests till realization. The demand notice were sent to non-applicants through registered post. The applicant also published the said demand notice in newspaper dated 12.05.2023. So the demand notices were served. The non-applicants failed to pay the amount as per the demand notice as well as failed to file any objection. So the applicant is entitled to take assistance for taking the possession of the mortgage property more particularly mentioned in prayer clause of the application. Hence, no need to reject. Hence, I proceed to pass following order.

ORDER

1] The applicant bank to take possession of property – all piece and parcel of the property consisting of that Mauje Harsul Tq. & Dist. Aurangabad Municipal Corporation Limits, Gut No.218/1/2 out of it Plot No.70 out of it the North West Part with sales area 20 x 30 = 600 sq. ft. i.e. 55.76 sq. mtr., bounded as East : 20 feet Road, West : Plot No.21, North : Plot No.33 and South : Plot No.35, 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 cost of the applicant bank.

4] The applicant bank shall have to bear the requisite Court Commissioner fees i.e. Rs.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.

Digitally signed by SHAKEEL MAQBOOL AHMED SAYYED
Date: 2025.01.01 17:31:17 +0530

Aurangabad.
Date: 01.01.2025.

(S.M.Sayyed)
5th Additional Chief Judicial Magistrate,
Aurangabad.

(E-filing)