

E-filing

Cri.M.A.No.3392/2026
Aadhar Housing Finance Ltd.
-Vs- Sayyad Sohel Ali & 1

ORDER BELOW EXH.1.

This application is filed by the authorized officer of the applicant company (For short, “Secured Creditor”) under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [For short, “SARFAESI Act”] requiring this Court to assist it for taking possession of the scheduled property as elaborated in the application.

2. On going through the application filed U/s.14 of SARFAESI Act, affidavit of the authorized officer of the applicant company namely Shri. Vijay Gajanan Kawale and supporting documents attached with the list of documents, it is revealed that the applicant company sanctioned and disbursed loan facility and disbursed for Rs.14,96,141/- as per sanction letter dated 09.09.2022 against the scheduled property was to be repaid in 240 Monthly installment of Rs,19,701/-.

3. In order to secure the loan, the non-applicants mortgaged the scheduled property whereby, security interest is created in favour of the applicant company. As a corollary, the scheduled property situated at Nagpur is the secured asset, (For short, “secured asset”).

4. SCHEDULE OF THE PROPERTY

All that piece and parcel of land at Mouja-Nara, Ward no.

06, Ph no. 11, Ward no. 57, Kh. No. 152/2, Sheet no. 634/97, City Survey no. 405, Plot No. 35/B in Shri Sant Dnyaneshwar GruhNirman Sahakari Sanstha Limited total admeasuring area 900 square feet (83.61 square meters) which is within the limits of the Grampanchayat in Tahsil and District: Nagpur, with following four boundries;

Boundaries:

On the East	:	Plot No.36
On the West	:	Plot No.35-A
On the North	:	Plot No.38
On the South	:	20 feet wide Road

4. It is further revealed that as the non-applicants have failed to make the repayment of loan amount due and payable by him, the said debt came to be classified as the Non-Performing Asset (NPA) on 10/04/2026. Thereafter, notices under Section 13 (2) of the SARFAESI Act was issued on 17-04-2026 to the non-applicants by registered post demanding payment of Rs. 11,46,816/- (Rupees Eleven Lakhs Forty Six Thousand Eight Hundred Sixteen Only) due as on 14.04.2026 within sixty days from the date of notice. It was also informed that on failure of compliance of notice, action would be taken under Section 13(4) of SARFAESI Act against them.

5. The applicant company states that the non-applicants were served with the aforesaid notices. The applicant company also issued proclamation by issuing public notice in a daily news paper Loksatta on 22-04-2026. The non-applicants have not taken any

objection to the said notice and has not satisfied the claim of the applicant company.

6. Based on such default, cause arose to make the present application to take physical possession of the secured asset, with the assistance of this Court. The contents of the affidavit of the authorized officer of the applicant company are in tune with the supporting documents and Section 14 of the SARFAESI Act.

7. In view of aforesaid discussion, I hold that the provisions of SARFAESI Act and the rules made thereunder have been complied by the applicant company. Therefore, the applicant company i.e. secured creditor is entitled to take possession of the secured asset as per the schedule of the property (secured assets) under the provisions of sub-section (4) of section 13 read with section 14 of the SARFAESI Act. Therefore, I proceed to pass following order.

ORDER

1. The Application is allowed, as under.
2. Court Commissioner Dharmendra G. Rewatkar (MAH 5859/2010) M.B.No. 9822473534 is appointed as a Court Commissioner to take possession to take physical possession of the secured asset as mentioned in the schedule of the property situated in District Nagpur, by taking such steps and using such force as may be required including liberty to break open the lock thereof (if need be) and to forthwith deliver the physical possession of the said secured asset to the applicant

company.

3. Issue a writ of commission accordingly on payment of P. F. and Rs.7,500/-, inclusive of traveling expenses towards the commission fee, directly to the Court Commissioner within 15 days from the date of writ.
4. The Police Officer in charge of the concerned Police Station is directed to provide necessary police protection or assistance, if required for the execution of the aforesaid possession warrant at the cost of the applicant company.
5. The applicant company shall have to bear the requisite charges of special bailiff, as well as police aid as per rule.
6. The applicant to report to this Court about the compliance of the order within sixty days from the date of order.
7. The proceeding is accordingly disposed of.

Nagpur.
Dated : 20/08/2026.

(N.A.Sarosiya)
Addl.CJM Nagpur.