MHAU030177562026

Cri.M.A./2351/2026
Bombay Mercentile Co-Operative Bank Ltd
Vs.
Arshad Aslam Mohommed

ORDER BELOW EXH.1

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 bank for loan facility. Accordingly, applicant bank sanctioned term loan facility of Rs.24,00,000/- vide sanction letter dated 24.09.2019. Then the necessary documents were made. The non-applicants gave mortgage of the property mentioned in the application. The non-applicants did not maintain the account properly and their account is declared as NPA on 16.02.2026.

3] The bank issued notice under Section 13(2) of the said Act to non-applicants on 16.02.2026 demanding total outstanding amount Rs.20,60,786.44/- as on 31.01.2026 alongwith future interests till realization. The demand notices under Section 13(2) were sent by RPAD to non-applicants and same were served to non-applicants. So, the notices were served to the non-applicants. The non-applicants failed to pay the amount as per the demand notice as well as failed to file any objection. Hence, no need to reject. Hence, I proceed to pass following order -

ORDER

1] The applicant bank to take possession of property i.e. All that part and parcel of the Property bearing Flat No.302 adm. 71.30 sq. mt. Third Floor, Global Apartment, on plot No.4 Gut

No.46/P, situated at Padegoan (Aurangabad) Chh. Sambhajinagar within Municipal Council limits of Chh.Smnbhajinagar (Aurangabad), bounded as under:

East : Open to sky
West : Open to sky
South : Staircase and Flat No 301
North : Open to sky

by taking such steps and using such force as may be legally necessary.

2] The Court Commissioner **Adv. N. B. Dhivar** 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.5,000/- (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.

RAGHUNATH SHRIDHAR JAMBOTKAR
Digitally signed by RAGHUNATH SHRIDHAR JAMBOTKAR
Date: 2026.08.17 12:17:38 +0530

Aurangabad. **(R. S. Jambotkar)**
Date: 17.08.2026. **Chief Judicial Magistrate,**
Aurangabad.

(E-filing)