MHYA030035992026

Cri. M.A. No. 348/2026
Aavas Financiers Ltd. Vs. Mr. Pradip+1

ORDER BELOW EXH.1
(Passed on 18th day of July, 2026)

1. Perused the Application, which is supported by the Sworn Affidavit of the Authorised Officer of the Applicant and necessary documents.
2. Heard the learned Advocate for the Applicant.
3. By this application, the Applicant is seeking the assistance for taking possession of the secured assets as per Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“the SARFAESI Act”).
4. As per the directions of the Hon'ble Supreme Court and the Hon'ble Bombay High Court in various Judgments, there is no requirement to give the Notice to the Borrower while deciding the application under Section 14 of the SARFAESI Act and give hearing before passing the final order.
5. While passing order, this Court is required to ascertain[1]-
   i. Whether the immovable property falls within its jurisdiction?
   ii. Whether notice of demand under Section 13(2) of the SARFAESI Act has been served on Borrower ?
   iii. Whether a duly affirmed Affidavit accompanying said application filed by the authorised officer of the secured creditor contains the declaration as required in Clauses (i) to (ix) of Section 14 of the SARFAESI Act?
6. It is not in dispute that the immovable property is situated within the limits of Yavatmal District. Thus, it falls within the jurisdiction of

1 Phoenix ARC Private Limited vs. State [Writ Petition No.9749/2021, BHC]

this Court.

7. Further, it appears from the record that the Applicant had issued the Notice under Section 13(2) of the SARFAESI Act to the Borrowers. In this regard, the Postal Tracking Reports are filed on record. According to Applicant said notices were sent to the proper address and the same is served to non-applicants. Applicant also issued notice via paper publication. Xerox copy of notice publication is filed on record.
8. The Authorisied Officer also stated about the service of the Notice in the Sworn Affidavit. Thus, the Court needs to consider that the Notice was duly served upon the Borrowers. No material is available on record to suggest that the Borrowers preferred any application under Section 17 of the SARFAESI Act.
9. Moreover, the Authorised Officer in the Sworn Affidavit affirmed that all requirements of clause (i) to (ix) of Section 14 of the SARFAESI Act are duly complied with.
10. Therefore, there is no impediment in granting the necessary assistance to the Applicant in taking possession of the secured assets as per Section 14 of the SARFAESI Act.
11. Hence, I proceed to pass the following order-

ORDER

1. The Application is allowed.
2. Issue Possession Warrant as prayed.
3. The concerned Head Bailiff is directed to depute the Bailiff for taking possession of the secured assets mentioned in the Application.
4. The Bailiff shall take possession of the secured assets by taking such steps and using such force as may be legally necessary and to break open the lock, if required. After taking

possession, the Bailiff shall forward the same to the Authorised Officer of Applicant.

5. The In-charge Police Officer of concerned Police Station, within whose jurisdiction the property is situated, is directed to provide necessary police protection for the execution of the aforesaid possession warrant at the cost of the Applicant.
6. The Applicant shall have to bear the requisite charges as per the rules.
7. The compliance of the order be reported within 90 days of the receipt of this order.
8. The applicant Bank may appoint the Commissioner for compliance of this order.

DISTRICT COURTS MAHARASHTRA

Digitally signed by SIDDHARTH NARAYAN GODBOLE
Date: 2026.07.18 12:48:45 +0530

Yavatmal
Date-18-07-2026

(S. N. Godbole)
Addl. Chief Judicial Magistrate,
Yavatmal