Its application seeking possession warrant and police protection for its execution as per Section 14 of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (here-in-after referred to as 'SARFAESI Act').

2.Heard learned counsel for the applicant bank and read the documents filed along with the application. The application is also supported with an affidavit. The perusal of verified copy of loan application, verified copy of sanction letter cum Key Fact Statement dated 18.07.2020, Verified copy of Term Loan Agreement for Home Loan dated 18.07.2020, Verified copy of Letter from party to Bank confirming the Creationof Equitable Mortgage dated 18.07.2020, Verified copy of Home Loan Advantage application, Verified copy of Sanction Ticket For Home Loan dated 14.09.2020, Verified copy of Index II of Notice of intimation of Mortgage dated 18.08.2020, Verified copy of Index II of Notice of Intimation of Mortgage by way of Deposit of Title deeds dated 07.10.2020, Verified copy of CERSAI Report, Verified copy of Notice under section 13(2) of SARFAESI Act dated 17.05.2025 would show that, the applicant bank granted Housing loan under the Housing Finance Scheme/All bank Aashiana Scheme of Rs.20,60,,000/- on 18.07.2022 and top up loan of Rs.1,76,000/- for the security of the loan amount to be

advanced, to the non applicants. It is further seen from those documents that, the non applicants mortgaged the property being piece and parcel of property Unit No.5, admeasuring area 49.95 Sq.Mtr., & RCC construction thereon admeasuring area 56.94 Sq.Mtrs. built up, residential row house scheme B wing of Haripriya Park, Plot No.19 & 20 situated at R.S. No.368/1 village Gadmudshingi, Tal. Karveer, Dist. Kolhapur, more particularly described in the application. It is seen that since the aforesaid borrowers committed default in payment of the loan and it became non performing assets. Thereby, the applicant bank started taking measures to recover the said loan of Rs.24,26,833/- plus interest by issuing demand notice as per Section 13(2) of SARFAESI Act. The said notice dated 17.05.2025 came to be filed along with the application. Its postal receipts as well as postal acknowledgment are also filed on record. It is apprehended on the part of the applicant bank that, the non applicants may obstruct in taking possession of the aforesaid mortgaged property. Therefore, it sought possession warrant and police protection for its enforcement as per Section 14 of the SARFAESI Act. Considering the aforesaid documents of loan including mortgage document, the applicant company being secured creditor and having statutory interest in the aforesaid mortgaged property, entitled to attach, sale, and take possession of it as per the provisions of SARFAESI Act. Hence, the application seeking possession warrant and police protection as

per Section 14 of the SARFAESI Act, is liable to be allowed. In the result, I pass the following order,

ORDER

1) Issue possession warrant in favour of the applicant bank to facilitate it for taking possession of the property being piece and parcel of property Unit No.5, admeasuring area 49.95 Sq.Mtr., & RCC construction thereon admeasuring area 56.94 Sq.Mtrs. built up, residential row house scheme B wing of Haripriya Park, Plot No.19 & 20 situated at R.S. No.368/1 village Gadmudshingi, Tal. Karveer, Dist. Kolhapur, , more particularly described in the application.

2) **Advocate Smt.Yogita Adinath Sangwe (Contact No.9518335100)** is hereby appointed as Court Commissioner to facilitate the applicant bank for taking possession of the aforesaid property.

3) The tentative commission fee is fixed at Rs.10,000/- (Rupees Ten Thousand only) to be paid by the applicant company.

4) The Officer in charge of the concerned police station within which the aforesaid property is situated shall provide necessary police protection to the applicant company at its cost to facilitate the execution of possession warrant.

5) The applicant company also bear the requisite charges of Special Bailiff as per rule.

6) The compliance of the order be reported within 90 days of the receipt of the writ.

7) Intimate the concerned accordingly.

Digitally signed by MAHAVEER MOTICHAND GADIYA
Date: 2026.03.17 10:49:13 +0530

Kolhapur.
Date :- 16.03.2026.

(M. M. Gadiya)
Chief Judicial Magistrate,
Kolhapur