

MHDH030036322026 	Received on	:	12/08/2026
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	Decided on	:	14/08/2026
	Duration	:	00Y 00M 02Ds

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
(COURT NO. 4) DHULE, DISTRICT DHULE

[Presided over by N.S. Puri]

Cri.M.A. No. 644/2026
Exhibit No. 1

State Bank of India,
Branch at Shirpur, Tal. Shirpur,
Dist. Dhule.
Through Authorized Officer,
Mr. Hukumchand Deoraoji Tapre

Applicant

//Versus//

1. M/S Kureshi Cotton Industries
Gat No. 11/3B, At Vikharan Khurd,
Shahada – Shirpur Road, Shirpur, Dist. Dhule.
2. Sharif Sattar Khatik (Partner)
Age : 48 Years, Occ. Business,
3. Tausif Sharif Khatik (Partner)
Age : 35 Years, Occ. Business,
4. Arif Sattar Khatik (Partner)
Age : 38 Years, Occ. Business,
Respondent Nos. 1 to 4 R/o Kureshi
Complex, Saraswati Colony, Nimzari Naka
Shirpur, Tal. Shirpur, Dist. Dhule.
5. Abdul Rahim Shaikh Hanif Khatik (Guarantor)
Age : 39 Years, Occ. Business,
At Post – Waghadi, Tal. Shirpur,
Dist. Dhule.

6. Jakirabi Hafiz Khatik (Guarantor)
Age : 55 Years, Occ. None,
7. Hafiz Ayanoddin Khatik (Guarantor)
Age : 50 Years, Occ. Business,
Respondent No. 6 & 7 R/o Near Bus Stand
A/p Arthe Khurde,
Tal. Shirpur, Dist. Dhule.

Respondents

Advocate for the Applicant**:- Shri G.P. Lokhande**

**APPLICATION UNDER SECTION 14 OF THE SECURITISATION AND
RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF
SECURITY INTEREST ACT, 2002 (SARFAESI ACT, 2002)**

ORDER BELOW EXH. 1

(Passed on 14th Day of August, 2026)

The applicant is a body corporate duly constituted under the State of Bank of India Act, 1955 (23) of 1955 and having its Central Office at Madam Cama Road, Mumbai and branch among other place at Shirpur, Tal. Shirpur, Dist. Dhule. Mr. Hukumchand Deoraoji Tapre, serving as Authorized Officer of the applicant, represents the applicant in this matter.

2) At the behest of the respondents, the applicant sanctioned a Cash Credit loan amounting to ₹ 9,30,00,000/- (Rupees Nine Crore Thirty Lakhs only) formalized through an agreement. Respondents, in acknowledgment of this facility, executed requisite documents in favor of the applicant, including a mortgage deed, concerning following immovable properties i.e. ;

(i)	Factory Land and Building situated at Gat No. 4/1/A/1,11/3/A,11/3/B/1,11/3/C, At Vikharan khurd, Near Shahada Road, Shirpur Tal. Shirpur Dist. Dhule, admeasuring area, 02 Hr. 0.13 R (16010.00 Sq Mtr.), Jointly Owned by Mr. Sharif Sattar Khatik, Mr Aarif, Sattar Khatik, Mr Aslam Sattar Khatik.
(ii)	Residential Cum Commercial Building "Kureshi Complex Situated at Plot No.02 Gat No. 170/3, Sarswati Colony, Near Nimzari road, Shirpur Dis Dhule admeasuring 270.70 Sq Mtr Total 08 Properties which include 07 Shops (i.e. Plot No. 101 (area 9.13 Sq.Mtr.), Plot No. 102 (area 9.13 Sq.Mtr.), Plot No. 103 (area 9.04 Sq.Mtr.), Plot No. 104 (area 9.08 Sq.Mtr.), Plot No. 105 (area 9.08 Sq.Mtr.), Plot No. 106 (area 9.08 Sq.Mtr.) & Plot No. 107 (area 9.95 Sq.Mtr.)) and 01 Flat i.e. Flat No. 201 (area 86.4 Sq.Mtr.) Jointly owned by Mr. Sharif Sattar Khatik, Mr. Arif Sattar Khatik, Mr. Aslam Sattar Khatik.
(iii)	Residential Cum Apartment Building "Ashiyana Park" Situated at plot No.114, S No 20/1B, Ganesh colony, Near Shahada Road, Shirpur Khurd Dist. Dhule admeasuring 150.00 Sq. Mtr total 07 Flats i.e. Flat No. 103 (area 48.97 Sq.Mtr.), Flat No. 201 (area 40.89 Sq.Mtr.), Flat No. 202 (area 48.97 Sq.Mtr.), Flat No. 203 (area 48.97 Sq.Mtr.), Flat No. 301 (area 40.89 Sq.Mtr.), Flat No. 302 (area 48.97 Sq.Mtr.) and Flat No. 303 (area 48.97 Sq.Mtr.) jointly owned by Mr. Sharif Sattar Khatik, Mr. Arif Sattar Khatik, Mr. Aslam Sattar Khatik.
(iv)	Open Plot Situated at as per actual Measurement Plot No.01, (As per Approve plan P No.53) Gat No. 07, Shahada Road, within Village limit of Waghadi Tal. Shirpur Dis Dhule admeasuring 1109.38 Sq Mtr owned by Mr. Arif Sattar Khatik.
(v)	Open Plot Situated at Plot No. 60(1), Gat No.07, Shahada Road, within Village limit of Waghadi Tal-Shirpur Dis- Dhule admeasuring 169.00 Sq Mtr owned by Mr. Abdul Rahim Shaikh Hanif Shaikh Khatik,
(vi)	Residential House situated at Plot No.41, S.No. 20/2A+2B, Ganesh Colony, Shirpur Khurd, Dis Dhule admeasuring 165.00 Sq. Mtr. owned by Mrs. Jankirabi Hafij Khatik.
(vii)	Open Plot Situated at Plot No. 02 (West Side), S. No 146/1B, Shahada Road, within Village limit of Arthe Khurd, Tal

	Shirpur, Dis Dhule admeasuring 280.00 Sq. Mtr owned by Mr. Hafij Ayanoddin Khatik
(viii)	Open Plots Situated at Gat No. 49/3, Total 06 Plots i.e. Plot No. 61 (area 447.86 Sq.Mtr), Plot No. 62 (area 603.25 Sq.Mtr), Plot No. 63 (area 614.25 Sq.Mtr), Plot No. 64 (area 616.25 Sq.Mtr), Plot No. 65 (area 562.50 Sq.Mtr) & Plot No. 66 (area 550.63 Sq.Mtr), located at Nave Bhampur Tal. Shirpur Dis Dhule as follows Admeasuring 169.00 Sq Mtr owned by Mr. Abdul Rahim Shaikh Hanif Shaikh Khatik

(In short hereinafter referred as “Secured Assets” or “Immovable properties”)

3) Respondents duly availed and benefited from the said credit facilities. However, despite repeated requests, as well as demands from the applicant, they have regrettably failed and neglected to discharge their repayment obligations. Consequently, the loan account was classified as Non-Performing Asset (NPA) on 31/03/2026 and NPA certificate was issued by the applicant.

4) On 29/05/2026, the applicant, invoking the provisions of Section 13(2) of the SARFAESI Act, issued a notice by way speed post/RPAD to respondents, demanding repayment of an outstanding sum of ₹ 8,65,11,987/- (Rupees Eight Crore Sixty Five Lakhs Eleven Thousand Nine Hundred Eighty Seven only) with interest. The said notice was duly served upon the respondents but they have not neither paid the amount nor raised any objection to the said notice. On 05/08/2023, the applicant published Notice in two daily newspapers “English and Marathi” to ensure wide dissemination. Respondents have not taken any objection over it.

5) Despite the service of the aforementioned notices, respondents have remained indifferent and failed to remit the outstanding amount owed to the applicant. In light of such non-compliance, the applicant, through this petition, seeks the intervention of this Court to facilitate the applicant in taking possession of the secured asset in accordance with the law.

6) In light of the binding legal precedents established by the Hon'ble Supreme Court and the Hon'ble Bombay High Court in a plethora of judgments, it is abundantly clear that issuing notices to borrowers and guarantors is not a statutory requirement when an application under Section 14 of the SARFAESI Act is filed. Consequently, no notices were issued in the present matter.

7) For the adjudication of an application under Section 14 of the SARFAESI Act, the Court is enjoined to ascertain and satisfy itself of the following essential prerequisites:

- i) Whether the immovable property in question lies within the territorial jurisdiction of the Court.
- ii) Whether a notice of demand, as mandated under Section 13(2) of the SARFAESI Act, has been duly served upon the borrower in accordance with the statutory provisions.
- iii) Whether a duly affirmed affidavit, accompanying the application filed by the Authorized Officer of the Secured Creditor, incorporates the requisite declarations enumerated in clauses (i) to (ix) of Section 14 of the SARFAESI Act.

8) Having meticulously perused the case record, it is evident from the documents on record and affidavits of the authorized

representative of the applicant that the immovable property in question lies within the territorial jurisdiction of this Court. It is further established that the notice issued under Section 13(2) of the SARFAESI Act was duly served upon the borrower, and an symbolic possession notice was published in a widely circulated daily newspapers. It is specifically mentioned in the affidavit that the respondents have not made any representation against the demand notice issued under Section 13(2) of the SARFAESI Act.

9) There exists no material on record to suggest that the borrower has availed the remedy of filing an application under Section 17 of the SARFAESI Act. Moreover, it appears from affidavits of the authorized representative of the applicant that the statutory requirements under Section 14 of the SARFAESI Act have been fully complied with.

10) In light of the foregoing, there appears no legal impediment in granting the requisite aid to the applicant for taking possession of the secured assets under Section 14 of the SARFAESI Act.

11) Considering the matter in its entirety, it is deemed just and proper to allow the application. Accordingly, the following order is passed:

ORDER

1)		Application under Section 14 of the SARFAESI Act is allowed and Authorized Officer is permitted to take over possession of Secured Assets i.e. ;
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(i)	Factory Land and Building situated at Gat No. 4/1/A/1,11/3/A,11/3/B/1,11/3/C, At Vikharan khurd, Near Shahada Road, Shirpur Tal. Shirpur Dist. Dhule, admeasuring area, 02 Hr. 0.13 R (16010.00 Sq Mtr.), Jointly Owned by Mr. Sharif Sattar Khatik, Mr Aarif, Sattar Khatik, Mr Aslam Sattar Khatik.
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	(v)	Open Plot Situated at Plot No. 60(1), Gat No.07, Shahada Road, within Village limit of Waghadi Tal-Shirpur Dis- Dhule admeasuring 169.00 Sq Mtr owned by Mr. Abdul Rahim Shaikh Hanif Shaikh Khatik,
	(vi)	Residential House situated at Plot No.41, S.No. 20/2A+2B, Ganesh Colony, Shirpur Khurd, Dis Dhule admeasuring 165.00 Sq. Mtr. owned by Mrs. Jankirabi Hafij Khatik.
	(vii)	Open Plot Situated at Plot No. 02 (West Side), S. No 146/1B, Shahada Road, within Village limit of Arthe Khurd, Tal Shirpur, Dis Dhule admeasuring 280.00 Sq. Mtr owned by Mr. Hafij Ayanoddin Khatik
	(viii)	Open Plots Situated at Gat No. 49/3, Total 06 Plots i.e. Plot No. 61 (area 447.86 Sq.Mtr), Plot No. 62 (area 603.25 Sq.Mtr), Plot No. 63 (area 614.25 Sq.Mtr), Plot No. 64 (area 616.25 Sq.Mtr), Plot No. 65 (area 562.50 Sq.Mtr) & Plot No. 66 (area 550.63 Sq.Mtr), located at Nave Bhampur Tal. Shirpur Dis Dhule as follows Admeasuring 169.00 Sq Mtr owned by Mr. Abdul Rahim Shaikh Hanif Shaikh Khatik
2)		Advocate Jyotsna Bharat Patil, Dhule is hereby appointed as Court Commissioner to take over possession of the secured assets by taking such steps and by using such force as may be legally necessary. Applicant to pay ₹30,000/- as a Court Commissioner Fee to Advocate Jyotsna Bharat Patil by demand draft or cheque.
3)		The Police Station Officer within whose territorial jurisdiction secured asset is located, is hereby directed to provide police aid to Court Commissioner if she required so for taking over possession of secured assets.

4)		The applicant assist the Commissioner for compliance of this order.
5)		Issue Writ of Commission accordingly.
6)		Application stands disposed off.

Dhule
Date : 14/08/2026

(N. S. Puri)
Additional Chief Judicial Magistrate,
(Court No. 4), Dhule

-: CERTIFICATE :-

“I affirm that the contents of this P. D. F. file order are same word for word as per original order”.

Name of Stenographer	:	M.L. Sonawane
Name of the Court	:	4 th Jt. Civil Judge S.D., Dhule
Date of Decision	:	14/08/2026
Order uploaded on	:	14/08/2026

Sd/-xx
Stenographer Grade II