IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, ESPLANADE, MUMBAI.

(Presiding Officer Shri. S. S. Budruk)

Securitisation Application No.321/SA/2026
(CNR NO.MHMM11-005091-2026)

TATA CAPITAL HOUSING FINANCE LIMITED
having registered office at 11th Floor, Tower A, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai – 400013.
Through its Authorized Officer. ... Applicant.

Versus

1. Mr. Deepak Inderlal Lamba
2. Mrs. Dolly Deepak Lamba

Flat No.1303, 13th Floor, Plot No.2/85, Samar Heights, B-Wing, Naik Nagar, Shaikh Misree Road, Sion – Koliwada, Antop Hill, Mumbai – 400037.
Also at :
M/s. Satguru Kripa Food, 48/49, On Shiv Shakti CHSL, Sion-Koliwada, GTB Nagar, Mumbai – 400037
And also at :
M/s. Shankar Sweet Mart, 383, Ground Floor, Guru Arjun Niwas, Jaishankar Yagnik Road, GTB Nagar, Sion-Koliwada, Antop Hill, Mumbai – 400037

3. M/s. Shankar Sweet Mart

383, Ground Floor, Guru Arjun Niwas, Jaishankar Yagnik Road, GTB Nagar, Sion-Koliwada, Antop

Hill, Mumbai – 400037.
Also at :
Flat No.1303, 13th Floor, Plot No.2/85, Samar Heights, B-Wing, Naik Nagar, Shaikh Misree Road, Sion – Koliwada, Antop Hill, Mumbai – 400037.

4. M/s. Satguru Kripa Food

48/49, On Shiv Shakti CHSL, Sion-Koliwada, GTB Nagar, Mumbai – 400037
Also at :
Flat No.1303, 13th Floor, Plot No.2/85, Samar Heights, B-Wing, Naik Nagar, Shaikh Misree Road, Sion – Koliwada, Antop Hill, Mumbai – 400037. …Respondents.

Appearance for :-
Applicant:- Zastriya, Attorneys & Legal Consultants

ORDER BELOW EXHIBIT-1
(Passed on 24.07.2026)

This is an application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 **(SARFAESI Act)** for taking possession of the secured asset, namely:

“Flat No. 1303, on the 13th Floor, in Wing – B, admeasuring 651 Sq. Ft. (Carpet Area) of the constructed area comprising of Two bedrooms, a hall and a kitchen in the building known as Samar Heights along with one car parking in Stilt/Podium/ Stack, situated at Naik Nagar, Shaikh Mistry Road, Sion Koliwada, Mumbai – 400037.”

Brief contents of application are as under :-

2. On the request of Respondents, applicant sanctioned Home Loan Facility amount of **Rs.85,00,000/-** (Rupees Eighty Five Lakhs Only) vide Sanction Letter dated 03.12.2019. The applicant also sanctioned Home Equity Loan Facility amount of **Rs.26,50,000/-** (Rupees Twenty Six Lakhs Fifty Thousand Only) and **Rs.10,00,000/-** (Rupees Ten Lakh Only) vide Sanction Letter dated 26.12.2019 and 05.07.2021 respectively to the respondents. It is contended that, the Respondents had executed necessary documents for the repayment of the loan availed. The Respondents have created security interest over their said asset.

3. The secured asset is situated within territorial jurisdiction of this Court. Till the date of filing of this application, applicant is holding a valid and subsisting security interest over secured asset. In due course, borrowers/respondents have committed default in repayment of the financial assistance as agreed. Thus, the account of the borrowers has been classified as "**Non Performing Asset**" on **03.11.2025**.

4. Then, Demand Notice **dated 03.11.2025** was issued against the respondents Under Section 13 (2) of the SARFAESI Act, calling upon them to repay the outstanding amount within 60 days from the date of service of notice. On that basis, the applicant demanded total outstanding amount of **Rs.1,24,99,366/-** (Rupees One Crore Twenty Four Lakhs Ninety Nine Thousand Three Hundred Sixty Six Only) as on 03.11.2025. Thereafter, the applicant published the said demand notice in two local newspapers on **12.11.2025**. As such, demand notice was duly served upon the respondents. Despite notice, the respondents have failed to pay the outstanding loan amount within the stipulated 60 days period. Even thereafter, the respondents have not paid due amount. Hence, Applicant is constrained to file this application, which is well in limitation. There is no stay or restrain order passed by any competent Court of law. No case is pending against the applicant regarding the secured asset.

5. It is requirement of Section 14 of SARFAESI Act that, Authorized Officer of applicant financial institute has to file affidavit containing therein facts mentioned in Section 14(1)(b)(i) to 14(1)(b)(ix). Accordingly, Authorized Officer has filed Affidavit at **Exhibit-3.** In addition to affidavit, the applicant has placed on record copies of certain relevant documents.

6. The court, under Section 14(1A) of the SARFAESI Act, can authorize a subordinate officer to take possession of secured assets. However, due to the high volume of cases and the overburdened staff, it is impractical to do so efficiently. Therefore, the Court relied upon the judgment of Hon'ble Supreme Court ruling (NKGSB Co-operative Bank Ltd. Vs. Subir Chakravarty, 2022). On the basis of above ruling, it will be just to appoint advocate from the Bar Association as Court Commissioners. Accordingly, Advocate **Dhiresh Pratap Singh,** is appointed as Court Commissioner to take possession of the secured assets. Hence, I pass following order.

ORDER

(I) The application is allowed.

(II) Advocate **Dhiresh Pratap Singh,** R/o, Superintendent Bungalow, S.P. M.C. 35, N.S.C.Marg, Charni Road, Mumbai, (Mobile No.7021214234), is hereby appointed as Court

Commissioner to take over possession of the secured assets i.e. **"Flat No. 1303, on the 13th Floor, in Wing – B, admeasuring 651 Sq. Ft. (Carpet Area) of the constructed area comprising of Two bedrooms, a hall and a kitchen in the building known as Samar Heights along with one car parking in Stilt/Podium/ Stack, situated at Naik Nagar, Shaikh Mistry Road, Sion Koliwada, Mumbai – 400037."**

(III) The Court Commissioner shall hand over possession of the secured assets to the applicant's Authorized Officer, under panchanama.

(IV) The applicant shall pay **Rs.15,000/-** (Rupees Fifteen Thousand Only) towards Court Commissioner's fee within **30 days** from the date of this order.

(V) The Authorized Officer shall furnish full office address, residential address, mobile number, and landline numbers to facilitate communication with the Court Commissioner. The applicant and its Authorized Officer shall not interfere or delay the execution of this order under the pretext of settlement talks.

(VI) The Court Commissioner shall issue a 15 days advance notice to the concerned parties before taking possession. The Commissioner may use necessary force, including breaking locks, and seek police assistance if required at the applicant's expense and if any articles or documents are found in the secured assets, they must be handed over to the Authorized

Officer after preparing panchanama and taking inventory.

(VII) The Court Commissioner shall submit compliance report within **90 days** of receipt of the Writ of Commission. If any competent court grants stay, the execution period will automatically extend without requiring a separate extension request.

(VIII) If the Court Commissioner is found to have favored any party to delay possession, appropriate disciplinary action, including reference to the **Bar Council of Maharashtra & Goa**, may be taken.

(IX) If the Court Commissioner fails to execute the possession warrant due to personal default, the fees received must be refunded to the applicant along with 18% interest per annum from the date of receipt.

(X) If any contingency arises in future to refund Court commissioner fees and Court Commissioner fails to repay it to applicant, then it is subject to reference to Bar Council of Maharashtra and Goa for taking appropriate action for misconduct.

(XI) Upon compliance with Clause Nos.IV & V, issue the Writ of Commission.

SAHEBRAO SHESHRAO BUDRUK

Digitally signed by SAHEBRAO SHESHRAO BUDRUK
Date: 2026.07.24 18:08:08 +0530

(S. S. Budruk)
I/c Chief Judicial Magistrate
Esplanade, Mumbai.

Date: 24.07.2026.