IN THE COURT OF MS. SWATI SHARMA:
CHIEF JUDICIAL MAGISTRATE, SHAHDARA,
KARKARDOOMA COURTS, DELHI.

MISC CRL NO.265/2025
U/s 14 SARFAESI Act

BANK OF BARODA, A BODY CORPORATE CONSTITUTED UNDER THE BANKING COMPANIES (ACQUISITION ND TRANSFER OF UNDERTAKINGS) ACT, 1970 HAVING ITS HEAD OFFICE AT MANDVI, BARODA AND OTHER PLACES AT DURGAPURI BRANCH, NEW DELHI THROUGH ITS CHIEF MANAGER AND AUTHORIZED REPRESENTATIVE MR. DURGESH KUMAR SHUKLA.

…..... Secured Creditor/Applicant

Vs.

SIKHA SADH D/O SAGAR SADH R/O K69 GALI NO.1A, WEST AZAD NAGAR, KRISHNA NAGAR, NORTH EAST DELHI, NEW DELHI-110051

…....Respondent

<u>ORDER ON APPLICATION UNDER SECTION 14 SARFAESI ACT</u>

03.03.2025

1. On specific Court query, Ld. Counsel for the applicant/Bank and AR of the applicant/Bank submits that there is no stay in this matter qua taking possession of the vehicle in question and the borrower/respondent resides within the jurisdiction of this Court. Statement of AR of the applicant/Bank to this effect recorded separately.

2. I have heard the arguments on behalf of applicant/Bank and gone through the relevant provisions of law. I have also perused the documents relating to the loan/mortgage and the vehicle/movable property in question produced by the applicant/Bank. The documents have also been produced in support of the submission that notice of Section 13(2) of the Act was duly served upon the respondent and despite that the outstanding amount has not been paid within the stipulated period.

3. Section 14 of the aforesaid Act empowers the CJM to order taking possession of the assets mortgaged and the documents relating there to and forward such assets and documents to the Secured creditor and for the purpose of securing compliance, the court may take or cause to be taken such steps and, use or cause to be used, such force, as may, in his opinion, be necessary.

4. In view of the aforesaid provisions of law and the submission made I appoint **SH. MAYANK RAJPAL, ADVOCATE, ENROLLMENT NO.D/4038/2023, MOBILE NO.9310499000 & 9311299000,** to take possession of vehicle/secured asset i.e.,**" MARUTI SUZUKI INDIA LTD WAGON R VXI CNG HYPOTHECATION OF VEHICLE BEARING MODEL NO. WAGON R VXI CNG REGN NO.DL5CU8068, CHASIS NO.MA3JMTB1SPA841601 AND ENGINE/MOTOR NO.K10CNC254392 AND ENGINE/MOTOR NO.REVTRN11KYXK95645",** with the help of police including women police officials, if required and promptly submit report in the Court after completion of proceedings.

5. In that eventuality, photographs of the mortgaged property/asset before take over and after take over, shall also be taken by the Ld. Court Receiver and be annexed with the report along with memory card containing soft copy of said photographs. The expenses on this account shall be borne by the applicant/Bank and photographs be enclosed with the report. Accompanying witnesses shall sign the proceedings. After taking over the subject property it be handed over to the Authorized Officer of the applicant/bank.

6. Moreover, Ld. Court Receiver and applicant/Bank are directed to ensure that while executing the order there is no stay from any court in respect of the aforesaid vehicle/movable property. The fee of the Ld. Court Receiver is fixed at **Rs.25,000/- (Rupees Twenty Five Thousand Only) to be paid by applicant/Bank which shall be paid to the Ld. Court Receiver promptly after receiving of order, irrespective of the aspect of the settlement, if any, arrived between the borrower and applicant/Bank**.

7. The Ld. Court Receiver shall start acting in terms of this order within a week of receipt of fees from the applicant/Bank.

8. **It is clarified that objections, if any, by whomsoever**

concerned should be made before the Debt Recovery Tribunal and no objections shall be entertained in this Court as under the scheme of the Act this court is supposed to provide the assistance to the Financial Institutions to obtain the possession of the secured asset in accordance with law and the court is not supposed to decide any of the issue between the parties on its merits. After the appointment of Ld. Court Receiver nothing survives in the petition.

9. Ld. Court Receiver is directed to file the compliance report to this office in the reasonable time at the earliest possible, which be placed on the file and thereafter, the file be consigned to Record Room.

10. A copy of this order be given to the Ld. Court Receiver as well as to the applicant/ Bank for compliance and one copy of order be sent to SHO concerned.

(Swati Sharma)
CJM/SHD/KKD/Delhi/03.03.2025

Swati Sharma

Digitally signed by Swati Sharma
Date: 2025.03.03 17:11:38 +0530

Bank of Baroda vs. Sikha Sadh
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03.03.2025

Present: Sh. Durgesh Kumar Shukla, Sr. Branch Manager/ AR in person with Ld. Counsel.

Ld. Counsel has filed an application seeking substitution of new AR in the present case.

Submissions heard. File perused.

in the interest of justice, application is allowed. **Sh. Durgesh Kumar Shukla is the new AR in the present case.** Application stands disposed off.

It is submitted by the AR of the applicant/ Bank that he is well aware about the facts of the present case. The property/movable asset in question falls within the territorial limits of this court. Statement of AR of applicant/Bank to this effect recorded separately.

Documents verified.

Vide separate order, the application under section 14 SARFAESI Act stands disposed off.

File be consigned to record room after due compliance.

Swati Sharma
Digitally signed by Swati Sharma
Date: 2025.03.03 17:11:32 +0530

(Swati Sharma)
CJM/SHD/KKD/Delhi/03.03.2025