



Complaint Registered on :06/07/2026

Complaint Decided on :21/07/2026

EXH:

CRIMINAL MISC. APPLICATION NO. 7339/2026

IN THE COURT OF 3rd ADDL. CHIEF JUDICIAL
MAGISTRATE, (COURT NO. 15) AHMEDABAD CITY

Applicant : MAS FINANCIAL SERVICES LIMITED
(Through its Authorized Officer Mr. Dipak
Solanki)

VERSUS

Opponents : 1. M/s. Shalimar Traders (through
proprietor Mr. Khalid Jafarbhai
Mansuri) (applicant)

Address :

4/A, Shree Ghantakarna Mahaveer
Market, Nr. New Cloth Market,
Sarangpur, Ahmedabad-380002.

Also at:

233-910, Shalimar Cottage, Kajal Park,
Nr. Khurshid Park, Gyaspur,
Ahmedabad-380055.

2. **Mr. Mansuri Mohamandkhalid Jafarsussain, (co. applicant & Guarantor)**

**233-910, Shalimar Cottage, Kajal Park,
Nr. Khurshid Park, Gyaspur,
Ahmedabad-380055.**

3. **Mrs. Naimara Khalid Mansuri (co. applicant & Guarantor)**

**233-910, Shalimar Cottage, Kajal Park,
Nr. Khurshid Park, Gyaspur,
Ahmedabad-380055.**

Appearance :

- 1)Ld. Advocate for the Applicant : Mr. Mehul M. Bhatt
2)Ld. Advocate for the Opponents:

Sub :Application U/s. 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT)

ORDER

1. Present Application is submitted by the applicant U/s. 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT) on the ground that, Opponents approached the applicant and on their request, the applicant has sanctioned and disbursed the housing loan of Rs. 1,00,00,000/- to the Opponents and the Opponent

had created security interest over the property mentioned in the applicant.

2. The Applicant has submitted that opponent has failed to make the repayment of the dues therefore, account of the opponent was / has been classified as NPA on 10/01/2026.
3. The Applicant issued notice U/s. 13(2) of the SARFAESI on 24/02/2026. The said Notice was duly served to the Opponent. Total amount of Rs. 01,03,52,386/- as on 04/02/2026 as per application is due as outstanding. However, the borrower has failed to repay the same.
4. Heard the Learned Advocate for the Applicant. Perused the Record.
5. In view of the Judgment of the Hon'ble Gujarat High Court as decided in SPECIAL CIVIL APPLICATION NO. 215 OF 2011 IN case of IDBI BANK LTD VS. DISTRICT MAGISTRATE AND OTHERS where in Para No. 8 (xi) it is held that :-

The Chief Metropolitan Magistrate Court has no power to adjudicate the dispute between the parties. Hence this Court cannot go into the merits of the claim.

6. Upon perusal of the Judgment of the Hon'ble High Court of Gujarat, the Chief Metropolitan Magistrate has very limited scope with respect to the cases U/s. 14 of the

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT). Hence, this Court cannot go into the merits of the claim.

7. Perused the application, affidavit submitted by the Authroised Officer of the Applicant and documents filed on record of the case.
8. Taking into consideration the Application, Affidavit and documents produced on record It is apparent that applicant has granted the aforesaid financial assistance to the Respondents. In pursuance of such financial assistance Respondents have executed various documents in favour of Applicant to create security interest over the aforesaid secured asset. However, in due course failed to repay loan.
9. Upon perusal of record, I am satisfied that the contents of the affidavit are fully supported by the documents produced. That apart, sufficient time has been given by the applicant to the opponent to make repayment of the outstanding dues but opponent has not paid the outstanding amount. Hence, considering the above facts of the application and in view of the above Judgments of the Hon'ble High Court. Hence, passed the following order:

O R D E R

1. The present applications are hereby allowed.

2. I authorize, below mentioned Court Commissioners U/s.14

(1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002. (in short SARFAESI ACT).

3. The Court Commissioners are directed to take possession of properties (secured asset) mentioned against their names mentioned in the present applications, which is situated within the jurisdiction of this court. The description of the property is as under:

Sr. No.	Collateral details	Name of court commissioner	Remuneration
1	All that piece and parcel of immovable Office/Shop No. A/1 to 6 in basement block No. A, in the scheme known as "Ghantakarna Mahavir Commercial Market" "Mahalaxmi Bhavan Co. Operative Hosuing Society Ltd., Vibhag 1", situated at Survey No. 20 paiki, T.P. Scheme No. 18 of F. P. No. 12 paiki, Mouje Village : Shaherkotada, Taluka:	Shop No. No. 1 Mr. D. N. Vegda, Superintendent	Rs. 15,000/-
2	Maninagar, Dist: Ahmedabad. (Admeasuring about 1000 Sq. Ft) bounded as follows: (as per	Shop No. No. 2 Mrs. G. C. Chauhan, Gujarati	Rs. 15,000/-

	site)		Stenographer, Grade-II	
3	East: Passage West: Margin North: Margin, South: Margin Bounded as follows: (as per	Shop No. 3	Mr. B. G. Kaushwala, Gujarati Stenographer, Grade-II	Rs. 15,000/-
4	gift deed) East: Shop/Godown No. 7 West: Wash Area and parking North: main road South: New Cloth Market	Shop No. 4	Mr. R. K. Sonara, Gujarati Stenographer, Grade-II	Rs. 15,000/-
5		Shop No. 5	Mr. L. A. Vaghela, Gujarati Stenographer, Grade-II	Rs. 15,000/-
6		Shop No.. 6	Mrs. G. T. Gajjar, Gujarati Stenographer, Grade-II	Rs. 15,000/-

4.If the secured assets are found in closed condition, the Court Commissioners may take possession of this Secured Asset by breaking/opening the lock, or may take any other steps they may think fit.

5.After taking the possession of the secured asset, Court Commissioners shall prepare the inventory of any item, Documents relating to the asset, if found in secured Assets and handover the same to the applicant.

6. The concerned Police Inspector of the concerned police station under whose Jurisdiction, the aforesaid Secured Assets is situated, shall provide necessary police Assistance / protection to the Court Commissioner on the date appointed by the Court Commissioner for taking possession of the secured assets, as per the **Circular of Home Department, Bearing No SB-II, GNH/112017/998-PART FILE Dated 03rd December 2020.** As per said circular when the question of giving police protection under the SARFAESI Act, arise, at that time, the police authority shall not record any statement of any person nor should call any person to police station for recording the statement and police shall provide the police assistant to the secured creditor. on production of the copy of this order before the concerned police station. The police inspector of the concerned Police Station, shall provide police protection within 30 days from the receipt of the copy of this Court order.

7. The Applicant Bank shall complete the necessary formalities for seeking police protection and also bear the expenses thereof.

8. The Court Commissioners may take or cause to be taken such steps and use, or cause to be used such force, as may, in her/him opinion be necessary.
9. Copy of this Order be sent to the concerned Police Station.
10. Applicant shall bear the expenses incurred in taking possession of the secured assets and shall provide all necessary assistance to the court commissioner in taking possession of the secured assets.
11. Applicant is hereby directed at present to deposit lumpsum amount of Rs. 90,000/- towards the expenses and remuneration of court commissioner, within One Month from the date of Order.
12. On depositing the above said amount in the court, the Court Commissioners are directed to complete the said procedure within 90 days or within the time limit extended by the court and submit the compliance report of completion of proceedings.

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13. The court commissioners shall carry out the said proceedings on public holidays or except court working hours.

Pronounced in the open court today i.e. on 21/07/2026.

Date: 21/07/2026
Place: Ahmedabad.



[R. A. ZALA]

3rd Addl. Chief Judicial Magistrate
Ahmedabad City
Code No. GJ00938.