]IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE

(PRESIDED OVER BY : M. P. BHAVSAR)

CRIMINAL M. A. NO.2124/2026
CNR No.: MHPU04-017692-2026

ORDER BELOW EXH.1

Vastu Housing Finance Ltd A Banking Company, incorporated under the Banking Regulation Act, 1949 having its office at: Unit no. 203 & 204, 2nd floor, 'A' Wing, Navbharat Estate, Zakaria Builder Road, Sewri (West), Mumbai 400015. Maharashtra Through its Authorised Officer; **Mr. Suraj Jayram Suryavanshi**	...	**Applicant**

V/s.

1)Mr. Ramesh Ranjan Haldar (Borrower/Mortgagor) **2) Ms. Sonali Ramesh Haldar (Co-Borrower)** **3) Mr. Ranjan Sudhin Haldar (Co-Borrower)** **4) Ms. Ranjita Rajan Haldar (Co-Borrower)**	...	**Respondents**

Add:- S No 59/4/ 13, Shivnerinagar, Kondhwa Kd, Nr Shinde Wada, Pune 411048, Near Sirinde Wada, Lane No 30, Pune City, Maharashtra, 411C)48.

ALSO AT,

Add:- 5 No 59/4/ 13, Shindewada, Lane No 30, Shivneri Nagar, Kondhwa Khurd, Near, Pune City Pune City, Maharashtra, 411048

ALSO AT,

Add:- Flat No 504 And Flat No 505 5th Floor, Tanish, Classic Sr No 59 Hissa No 3/26 Kondhwa Kh, Near Shivneri Nagar Lane No 36, PUNE CITY, Maharashtra, 411048.

Read the application filed by applicant under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for taking over secured asset. (Hereinafter referred as “SARFAESI Act” for short). Perused the affidavit filed by the authorized person of the applicant as contemplated under the proviso of Section 14(1) of the SARFAESI Act. Heard Advocate for the applicant.

2) The Advocate for applicant submitted that, the applicant had sanctioned loan to the respondents. As they failed to repay the loan amount it becomes NPA. So the applicant issued notice under Section 13(2) of the SARFAESI Act to the respondents. The respondents failed to discharge their liability within prescribed period of 60 days from the receipt of notice. Therefore, the applicant has filed this application along with documents in order to compliance under the Act hence, it may kindly be allowed.

3) Perused the record. On perusing record, it appears that the applicant has filed following documents;

No.	Particulars		Details
1)	Amount of loan	:	Rs.32,00,000/- (Rupees Thirty Two Lakhs Only) vide Loan Account No. HL0000000055110
2)	Date of NPA	:	03/02/2025
3)	Date of Claim notice under Sec. 13(2) of the SARFAESI Act	:	29/10/2025

4)	Outstanding amount	:	Rs.32,06,888/- (Rupees Thirty Two Lakhs Six Thousand Eight Hundred And Eighty Eight Only)
5)	Date of Acknowledgment/ remark	:	Notice delivered.
6)	Date of Paper Publication	:	Not Applicable.
7)	Property Details (Secured Asset)	1)	All that piece and parcel of the property bearing Flat No. 505 Admreasuring 500 Sq.Ft AND 504 Admeausing 445 Sq.Ft, On The 5th Floor, in The Building Known As Tanish Classie, Constructed Survey No. 59/3/26, Situated At Village Kondhwwa Khurd, TaI - Haven, Dist-Pune-411048 Bounded As Follows- North-For Flat NO. 505-Flat No 501 For Flat NO. 504-: Flat No 502, South-For Flat NO. 505-Open Space/For Flat NO. 504-Open Space, East-For Flat NO. 505 Flat No 504/For Flat NO. 504-Flat No 503, West-For Flat NO. 505-Open Space/For Flat NO. 504-Flat No 505.”

4) As per ratio laid down by Hon’ble Supreme Court in **The Authorised Officer, Indian Bank V/s. D. Visalakshi and Ors, reported in MANU/SC/1303/2019** that CJM is competent to proceed the request of the Applicant to take possession of the

secured assets U/s. 14 of the SARFAESI Act. As per ratio laid down by Hon'ble Supreme Court in **"Balkrishna Rama Tarle (Dead) through LRs & Anr. V/s. Phoenix ARC Pvt. Ltd. & Ors., 2022 SCC OnLine SC 1280**"and As per ratio laid down by Hon'ble Bombay High Court in "**Phoenix ARC Private Limited V/s. The State of Maharashtra, reported in MANU/MH/2755/2022**" that the jurisdiction of the CJM U/s. 14 of the SARFAESI Act is purely ministerial and limited only so, no notice is necessary to be issued to borrower, possessor or objector and contemplated legality and validity of the deed executed in respect of secured assets, according to law, while deciding application under Section 14 of the SARFAESI Act and as such I have not issued any notice to borrower, possessor or objector i.e. Respondents and not considered legality and validity of the mortgage deed.

5) At the time of possession order under Section 14 of SARFAESI Act, the Court has to see whether notice under Section 13(2) of the SARFAESI Act is sent or not and whether the secured property is in the jurisdiction of this Court or not.

6) Perused all the documents. On perusing all the documents, it appear that the Applicant had issued Claim Notice U/s.13(2) of the SARFAESI Act, to the Respondents but the Respondents despite service of said notice failed and neglected to make the payment of the said outstanding amount. The Respondents failed to make repayment of outstanding loan amount within 60 days. The secured assets mentioned in the schedule is within the jurisdiction of this Court, therefore, there is no any

hurdle to authorize the Applicant to take over the possession of the secured assets. For all these reasons, I hold that this application is necessary to be considered U/s.14 of the SARFAESI Act. Hence, I pass following order:

ORDER

1) The Application is allowed.

2) The authorized officer of the Applicant is hereby accredited to take the possession of scheduled secured assets mentioned in the application, as per the provisions of the SARFAESI Act, with the help of the concerned police station.

3) **Adv. Sachin Maruti Gaikwad, (MAH/473/2009)** is appointed as Court Commissioner to take possession of the secured assets mentioned above by breaking open the locks, if property is found locked and directed to forward the possession of the said property to the Applicant.

4) In-charge of Police Station within whose jurisdiction the property is situated is directed to provide necessary police protection for the execution of the aforesaid possession warrant at the cost of the Applicant.

5) The Applicant shall have to bear the requisite charges of Court Commissioner at Rs.10,000/- per property.

6) Compliance of this order be reported within 180 days from the date of receipt of this order.

7) Issue order accordingly.

MUKUND PANDURANG BHAVSAR

Digitally signed by MUKUND PANDURANG BHAVSAR
Date: 2026.07.06 16:13:38 +0530

Pune
Date: 06/07/2026

(M. P. Bhavsar)
Chief Judicial Magistrate, Pune

CERTIFICATE

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

Name of Steno	:	Mr. Kailas V. Marathe, Stenographer (Grade-II)
Court Name	:	Hon'ble **M. P. BHAVSAR** Chief Judicial Magistrate, Pune.
Date of order	:	06/07/2026
Order signed by P. O. on	:	06/07/2026
Order uploaded on	:	06/07/2026