Received on	31.07.2026		
Registered on	31.07.2026		
Decided on	11.08.2026		
Duration	Years	Month	Day
	00	00	11

IN THE COURT OF 2ND ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, PORBANDAR.

CRIMINAL MISCELLANEOUS APPLICATION No. 733/2026

Exh.. 04

Applicant:	Bandhan Bank Limited (through its Authorised Officer**,** Mr. Rajabhai Khimabhai Dangar, Aged-35. Occupation-Service), a Company incorporated under the provisions of the Companies Act, 2013 and having its Regional Office at, Netaji Marg, Near Mithakhali six Roads, Ellisbridge, Ahmedabad- 380006. And A Branch Office at Bandhan Bank Ltd, Porbandar Branch, 1st Floor, Shreeji Complex, Old Zaveri Bunglow, Nr. Hotel Kaveri, M. G. Road, Porbandar-360575, Gujarat.
	Versus
Oppopents:	1) **PRADIPKUMAR BABULAL JOSHI(BORROWER),**
	2) **MRS. CHETANABEN PRADIPBHAI JOSHI (CO-BORROWER)** All Add:- 0; Khada Vistar, Nr. Bhojakana House, Khada Vistar, City/Taluka Chhaya/Porbadnar, Dist/State;Porbandar/Gujarat-360575 **Also At** Survey No. 762 P/1 Part; Final Plot No.:4 Part:C-2, Flate No. C-2; Nilraj Apartment; Near Narayan Nagar; B/H Reliance Pump, Bokhira; Porbandar; Porbandar;

	Porbandar: Gujarat-360575.

Appearance:
1) Learned Advocate for the Applicant : D. D. Dangar
2) Learned Advocate for the Opponent :

Sub : Application u/s. 14 of The Securitization & Reconstruction of Financial Assets & Enforcemnt of Security Interest Act, 2002 for taking possession of secure assets.

ORDER

1. The applicant humbly submits that Bandhan Bank Limited, A company incorporated under Companies Act, 2013 and carrying its banking business under the provisions of the Banking Regulation Act, 1949, having its Registered Office at Kolkata has acquired GRUH Finance Limited, a Company incorporated under the companies Act, 1956 in compliance with the order Dated 18.09.2019 passed by the National Company Law Tribunal (NCLT) Ahmedabad Bench and order dated 27.09.2019 passed by NCLT, Kolkata Bench for merger of GRUH into Bandhan Bank Limited. Therefore, pursuant to the aforesaid merger, the rights, liabilities, responsibilities and assets of GRUH has become the rights liabilities, responsibilities and assets of Bandhan Bank Limited.

2. Present Application has been filed 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, the Opponents approached the Applicant Bank for availing of of credit/Loan Facility and accordingly the applicant Bank sanctioned and disbursed the said Facility of an amount of **Rs. 7,00,000/- (Rupees Seven Lacs Only) Vide Account No.**

20002110001948, Vide Saction Letter Dated 12/04/2017 and the Opponents have created security interest over the property mentioned in the present application.

3. The Applicant has submitted that the opponents have failed to make the repayment of the dues therefore, the account of the opponents have been classified as **NPA on 03.01.2026.**

4. The Applicant issued Demand notice U/s. 13(2) of the SARFAESI on **19/01/2026** calling upon the Borrowers including the opponent herein to make payment of sum of **Rs. 3,58,045.07 (Rupees Three Lakh Fifty Eight Thosuand Forty Five & Paise Seven Only) being the amount due as on 09.01.2026.** However, the borrower failed to reply the same.

5. Heard the Learned Advocate for the Applicant. Perused the Record.

6. In view of the Judgement 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 Judicial Magistrate Court has no power to adjudicate the dispute between the parties. Hence, this Court cannot go into the merits of the claim.

7. Upon perusal of the Judgement of the Hon'ble High Court of Gujarat, the Chief Judicial 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.

8. Perused the application, affidavit submitted by the Authorized Officer of the Applicant and documents filed on record of the case.

9. 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 Respondent has executed various documents in favour of Applicant to create security interest over the aforesaid secured asset. However, in due course failed to repay the loan.

10. Upon perusal of record, it transpires that the contents of the affidavit are fully supported by the documents produced. Moreover, sufficient time has been given by the applicant to the opponent to make repayment of the outstanding dues but the opponent has not paid the outstanding amount. Hence, considering the above facts and circumstances following order is passed.

<u>O R D E R</u>

1. Present application is hereby allowed.

2. Mr. V. P. Dharsanda, Sr. Clerk, District Court, Porbandar is hereby appointed as Court Commissioner U/s. 14 (1-A) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT) and accordingly he is directed to take possession of properties mentioned below.

<u>SCHEDULE-A</u>

<u>Description of the Mortgaged Property/Secured Asset.</u>

All the piece and parcel of survey No. 762/P/1 Part, Final Plot No.4 Part, C-2, Flat No.C-2, Nilraj Apartment, Near Narayan Nagar, B/H Reliance Pump. Bokhira, Porbandar, Porbandar, Porbandar, Gujarat-360575.

Bounded by as under:

On or towards North :- 9 Meter wide Road.

On or towards East :- Flat No. C-1 In between Common Wall.

On or towards West :- Flat No. C-3 In between Common Wall.

On or towards South :- Common Passage And Stair.

3. If the secured asset is found in closed condition, the Court Commissioner may take possession of the secured assets by breaking / opening the lock or may take any other steps he may think fit.

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

5. The 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, arises, at that time, the police authority shall not record any statement of any person nor should call any person to the 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. The Applicant Bank shall complete the necessary formalities for seeking police protection and also bear the expenses thereof. The Court Commissioner 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. Copy of this Order be sent to the concerned Police Station.

6. The 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.

7. Applicant is hereby directed at present to deposit lump sum amount of **Rs.15,000/- (Rupees Fifteen thousand only)** towards the expenses and remuneration of court commissioner, within One Month from the date of Order. On depositing the above said amount in the court, the Court Commissioner is 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.

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

Pronounced in the open court, today i.e. 11/08/2026.

Date : 11/08/2026
Place : Porbandar.

[Komal Kunal Rathod]
2nd Additional Chief Judicial Magistrate,
Porbandar GJ-01130.