



MHSO030036512026

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, SOLAPUR.  
( PRESIDED OVER BY Shri. Sunil S. Shinde)

CRI. M.A. No.532/2026

Samarth Sahakari Bank Ltd.

....

Applicant

Versus

Rahul Devanand Katkar and others

....

Opponents

=====

Ld. Advocate Shri. S. S. Malap for applicant.

=====

ORDER BELOW EXH.1

(Dated 04/07/2026)

The applicant has filed this application under section 14 of the Securitisation and Reconstru ction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short “the SARFAESI Act”) for taking possession of all the piece and parcel of property bearing ‘**All the piece and parcel of the land situated at Murarji Peth, Solapur within District and Sub District Solapur, Tal. North Solapur, within the limits of Solapur Municipal Corporation, Solapur bearing C. S. No.8501/2/9 total admeasuring area 990.80 sq.mtrs. out of that admeasuring area 442 sq.mtrs. open space on the western side is more particularly described in the application Exh.1’** (hereinafter referred to as “the secured asset”).

2) Heard the learned advocate for the applicant. Perused the application, affidavit and documents on record.

3) From the affidavit and verified documents filed by the applicant, it is palpably clear that **on 28/06/2018** the applicant had sanctioned **Loan of Rs.1,10,00,000/-** to the Opponents. Thus, Opponents have executed Security Agreement of the secured asset with a view to secure repayment of the said loan. It further goes to show that

they have made default in repayment of the amount of loan, and therefore, **on 28/11/2019** his loan account was classified as Non Performing asset. On **23/07/2025**, the applicant had called upon Opponents to pay the total sum of **Rs.3,09,30,864/-** including interest till debt by issuing them 60 days notice as provided under section 13(2) of the SARFAESI Act and notice was served to the opponents. However, Opponents neither raised any objection by replying the said notice nor repaid the amount within the stipulated time. From the affidavit, it is clear that the sum of **Rs.3,09,30,864/-** with future interest was due from the Opponents as on 30/06/2025.

4) From the affidavit filed by the Authorized Officer of the applicant, it is luculent that the secured asset is not in possession. It has been also stated therein that no stay order has been passed by any authority in respect of the secured asset.

5) The affidavit, which is filed by the authorized officer of the applicant has all basic requirements necessary for granting delivery of possession of the secured asset. The applicant has thus, substantially complied with conditions stipulated under newly introduced proviso to section 14(1) of the SARFAESI Act. The secured asset is situated within the territorial jurisdiction of this Court. The claim of the applicant is within limitation. So, I hold that the applicant is entitled to take possession of the secured asset. Hence, the order :-

### **ORDER**

1. The application is allowed.
2. **Adv. Avatade Yuvraj Janardhan** is appointed as a Court Commissioner to take possession of the secured asset viz. **'All the piece and parcel of the land situated at Murarji Peth, Solapur within District and Sub District Solapur, Tal. North Solapur, within the limits of Solapur Municipal Corporation, Solapur bearing C. S. No.8501/2/9 total admeasuring area 990.80 sq.mtrs. out of that**

**admeasuring area 442 sq.mtrs. open space on the western side is more particularly described in the application Exh.1'.**

3. Ld. Court Commissioner is authorized to take such steps and use such force including breaking open the lock or any hurdle thereof by taking assistance of police, if required, at the expenses of the applicant and deliver possession thereof along with documents /articles, if any, found therein to the authorized officer of the applicant after preparing panchanama and taking inventory of the secured assets.
4. Ld. Court Commissioner shall give at least 15 day's prior notice to the concerned before executing the order.
5. Ld. Court Commissioner shall report compliance within one month from the receipt of the writ of commission.
6. Issue writ of commission accordingly on payment of **Rs.12,500/-** towards the Court commissioner's fees in the Court within 15 days from the date of this order. After submission of compliance report, it shall be paid to the concerned **Court Commissioner**.

**( Sunil S. Shinde )**

Date : 04/07/2026

Chief Judicial Magistrate, Solapur

**C E R T I F I C A T E**

I affirm that the contents of this PDF file order are same word to word as per the original Judgment/ Order.

- |     |                            |                                                    |
|-----|----------------------------|----------------------------------------------------|
| (a) | Name of the Stenographer : | Naresh Narayan Kanaki (Grade-II)                   |
| (b) | Court :                    | Chief Judicial Magistrate<br>(Court No.1) Solapur. |
| (c) | Order signed by P.O. on :  | 04/07/2026                                         |
| (d) | Order uploaded on :        | 04/07/2026                                         |