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Cri.M.A. No. 1011/2026
HOME FIRST FINANCE COMPANY INDIA LIMITED Vs. IMRAN KHAN ASLAM KHAN TADVI

ORDER BELOW EXH.01.
(Passed on : 14.08.2026)

1. This is an application u/sec. 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act) for taking possession of secured assets specifically described in Schedule of property.

2. Heard learned advocate for petitioner. He reiterated contentions in application. Considered submissions. As per documents respondents have obtained financial assistance from petitioner. Respondents have created security interest on secured assets by executing Memorandum of record of Equitable-mortgage.

3. Petitioner has produced copy of Loan Account. Respondent has failed to repay loan amount and thus it was declared as NPA. Petitioner issued demand notice u/sec.13(2) of SARFAESI Act and called upon to repay outstanding amount within 60 days. It is duly served on respondents. Demand notice u/sec. 13(2) was also published in daily newspaper. Respondent raised no objection to demand notice dtd. 03.02.2026. No legally sustainable ground is raised to prohibit secured creditor form taking possession.

4. Application is supported by affidavit. Copies of the documents in support of application are verified by comparing with its original. Secured asset is situated within territorial jurisdiction of this court. It is argued on behalf of petitioner that there is no stay to the proceeding against respondent. Petitioner requested to appoint Advocate Court Commissioner to take possession of secured assets and handover the same to authorized officer and also prayed for police protection.

5. In view of law laid down by Hon'ble Supreme Court in **NKGSB Coop. Bank Ltd. v. Subir Chakravarty** reported in **(2022) 10 SCC 286**, Advocate Court Commissioner can be appointed to take possession of secured assets. Considering the contention of petitioner and documents filed in support of application and affidavit of petitioner, I am satisfied that petitioner has made out case to take possession. Application deserves to be allowed. Hence, following order:-

<u>ORDER</u>

1.	Application is allowed.
2.	Advocate **Shri. A. D. Naidu** is appointed as a Court Commissioner to take possession of- "Mortgage of all piece and parcel of immovable property i.e. Flat Plot No.12, Field Survey No.10/3, Mouje Akkalkot, Pragane, Tq. & Dist. Akola, Maharashtra which is bounded as under: On the East - 20 Ft. Wide Road On the West - 5 Ft. wide Servivce Line On the North – Land belonging to Mrs. Abedabi Wife

	On the South – Land belonging to Nur Mistri.
3.	The Court Commissioner to take possession of the secured assets and handover it to the Authorized Officer of petitioner by preparing necessary panchanama and inventory.
4.	The Court Commissioner to break open lock, take police aid (if required) at the expenses of petitioner.
5.	The Court Commissioner shall deliver the articles (if any) found in secured assets after preparing panchanama, inventory and taking indemnity from authorized officer of petitioner.
6.	The petitioner to pay amount of Rs.**10,000/- (Rs. Ten Thousand**) as a fees to the Court Commissioner. On payment of such fees issue Writ of Commission accordingly.
7.	The Court Commissioner to submit report to this court regarding taking and delivering possession of the secured assets to the Authorized Officer of the petitioner.
8.	Proceeding is closed.

VIKESH RAMESH ASSUDANI
Digitally signed by VIKESH RAMESH ASSUDANI
Date: 2026.08.14 15:43:12 +0530

Date :14.08.2026. (V. R. Assudani)
Place: Akola. Addl. Chief Judicial Magistrate,
Akola.