**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE**
**(PRESIDED OVER BY : M. P. BHAVSAR)**

**CRIMINAL M. A. NO.3440/2026**
**CNR No.: MHPU04-025656-2026**

**ORDER BELOW EXH.1**

**Sadhana Sahakari Bank Ltd., Hadapsar, Pune** ... **Applicant**
A Body Corporated Registered/ Converted under the Provisions of the Maharashtra State Co-Operative Societies Act 1960, and having its registered office at 225/4, 'Shivam Complex', Pune- Solapur Road, Hadapsar, Pune – 411028.
Sadhana Sahakari Bank Ltd., Hadapsar, Pune
Hadapsar, Pune Branch
Through their Authorized Officer.
**Shri. Pravin Ashok Badade**
Age - Adult, Occupation – Service.

**V/s.**

**1) Mr. Balgude Sadanad Yashwant** ... **Respondents**
**(Borrower)**
Add – Gat No 193 Ranmala road, Balgude Wasti Sahajpur Tal- Daund Dist , Pune-412202.

**2) Mr. Jangid Rajesh Munnilal (Guarantor)**

Add – G No 1146, Pangare Wasti Bhavrapur road Uruli Kanchan 412202.

**3) Mr. Kolpe Amol Sudam (Guarantor)**

Add – Bori Bhadak, Chandanwadi Boriandi Daund Pune 412202.

**4) Mr. Kotwal Sunil Dattatrya (Guarantor)**

Add- Near Harijivan Hospital, Uruli Kanchan Pune-412202.

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.30,00,000/- (Rupees Thirty Lakh Only) vide loan account number HYLN-5327 dated 21.10.2022 |
| 2) | Date of NPA | : | 19/06/2025 |
| 3) | Date of Claim notice under Sec. 13(2) of the SARFAESI Act | : | 27/10/2025 |
| 4) | Outstanding amount | : | Rs.22,48,513.36 (In word Rupees Twenty Two Lakhs Forty |

| | | | |
|---|---|---|---|
| | | | Eight Thousand Five Hundred Thirteen And Thirty Six Paise only) |
| 5) | Date of Acknowledgment/ remark | : | Notice delivered. |
| 6) | Date of Paper Publication | : | Not Applicable. |
| 7) | Property Details (Secured Asset) | | All that piece and parcel of the land property bearing Land admeasuring at Gat No. 447 area is 07 H 69 R + potkharaba 01 H 64 R total area is 09 H 33 R size of 07 Rs. 03 paise of these Ownership and area of occupation of Mr. Sadanand Yashwant Balgude area 00 H 20 R size of 00 Rs. 18 paise this land property other fixed house patra shed ground floor area 107.3 sq.m. and Other fixed house, office ground floor It has an area of 55.18 sq.m., R.C.C. Method House Office Ground Floor Area 80.27 sq.m. This construction property no. 383 given by Grampanchayat Sahajpur also properties with future residential and commercial construction on this land at Village mouje Sahajpur Tal. Daund Dist. Pune.<br>On Towards East : Property of Mr. Uday Ram Takle<br>On Towards South: By Property of Mr. Dugane.<br>On Towards West : By Property of Mr. Dugane.<br>On Towards North : By Pune-Solapur National Highway |

**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 mortgage deed 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 to the Respondents but the Respondents failed and neglected to make the payment of the said outstanding amount, despite service of said notice. 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. Hence, I pass following order:

**O R D E R**

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. Sunita Hanmant Kadam (MAH/2828/2010)** 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: 2026.06.23 16:53:50 +0530

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते

Pune
Date: 23/06/2026

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

**<u>CERTIFICATE</u>**

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,<br>Stenographer (Grade-II) |
| Court Name | : | Hon'ble **M. P. BHAVSAR**<br>Chief Judicial Magistrate, Pune. |
| Date of order | : | 23/06/2026 |
| Order signed by P. O. on | : | 23/06/2026 |
| Order uploaded on | : | 23/06/2026 |