MHDH030008912026

Received on	:	25.02.2026		
Registered on	:	25.02.2026		
Decided on	:	07.08.2026		
Duration	:	Year 00	Month 05	Day 12

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, DHULE, DIST. DHULE.

(PRESIDED OVER BY : MD. TAHER BILAL)

CRI. M.A. NO.195/2026 **EXHIBIT 11**

Bank of India,
Branch – Dhule, through
it's Authorized Officer -
Mr. Prashant Bedarkar,
Age : 41 Yrs.,
R/o. Dhule.

Applicant

V E R S U S

1. Amol Dnyaneshwar Gujar,
Age : 48 years, Occ : Business,

2. Bhikubai Dnyneshwar Gujar,
Age : 63 years,

3. Suresh Ramlal Gujar,
Age : 50 years,

All r/o. : Japi, Tal. Dist. Dhule.

Respondents.

Appearance :- Ms. T. G. Demse, advocate for applicant.

APPLICATION UNDER SECTION 14 OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 (SARFAESI ACT, 2002).

ORDER BELOW EXHIBIT – 11.
(Passed on 07th Day of August, 2026)

1. It is alleged that, respondent No.1 is a borrower and respondent No.2 is co-borrower and respondent No.3 is guarantor. Credit facility of Rs.1,36,000/- (Rupees One Lac Thirty Six Thousand only) and Rs.16,50,000/- (Rupees Sixteen Lac Fifty Thousand only) were given for which respondents have executed various documents. The applicant also submits that, the respondents committed default in repayment of loan. As the dues were not paid and repayment was irregular and the credit facility account was not in order, the applicant classified the account of the said borrower as non performing asset with effect from 23.06.2024. The demand notice dated 23.07.2025 was issued as per Section 13(2) of the said Act by RPAD and the opponents have received the said notice. It is further alleged that, the borrower has not paid anything after service of said demand notice. The applicant also submits that, all the requirements of Section 13(2) of the said Act are fully complied. The applicant submits that, the mortgaged property is situated within the territorial jurisdiction of this Court. The applicant also asked for police help due to possibility of obstruction at the hands of respondents etc. The applicant also appended one affidavit at Exh. 1-A duly sworn on

07.01.2026 in support of the contents made in application Exhibit 1. However, in this affidavit, it is stated that, in spite of said notice, the borrowers have not paid anything and that the provisions of the said Act and Rules made thereunder are complied. In this affidavit it is also stated on oath in paragraph no. 4 that the claim of the applicant is within the limitation period. The Court passed an order dated 14.05.2026 to argue on the point of whether notice of intimation is a valid and subsisting security interest as per this Act. Thereupon, today advocate for applicant referred to Section 2(1)(zb) of the said Act regarding definition of security agreement. He argued that in this case there is a creation of mortgage by deposit of title deed and notice of intimation is registered in the office of Sub-registrar. I have gone through this provision of law. In the said affidavit it is also stated that, the claim of the bank is within limitation period. Hence, applicant filed this application.

2. Consequent upon filing of present application, I find that, issuing notices to the borrowers and the guarantor is not a statutory requirement when application under Section 14 of the SARFAESI Act is filed. Hence, no notices were issued.

3. The applicant in his application Exhibit 1 at paragraph no. 7 given description of the secured asset as Plot No. 23, Survey No. 71/1, CTS No. 7701 at Tapibai Society, Opp. to Swami Narayan Temple, Deopur, Tal. & Dist. Dhule. As such, the secured asset is situated within the jurisdiction of this Court.

4. I gone through documents filed on record. Among other documents the applicant also placed on record copy of hypothecation agreement, copy of notice of intimation of mortgage by deposit of title deed executed by respondent no. 2, copy of notice dated 23.07.2025 and copy of sale deed no. 5524/2018 dated 04.12.2018. There exists no material on record to suggest that, the borrower has availed the remedy of filing an application under Section 17 of the SARFAESI Act.

5. In light of above discussion, there appears no legal impediment in granting the requisite assistance to the applicant for taking possession of the secured asset under Section 14 of the SARFAESI Act. Record shows that, previously the applicant had filed a pursis dated 21.03.2026 for appointing Ajinkya Desai as Court Commissioner and was ready to pay Rs. 10,000/- as his fees. Thereafter, today the applicant again filed an application to appoint Ms. Pratiksha A. Kekare as a Court Commissioner in this case. So, I pass following order.

ORDER

1.	Application under Section 14 of the SARFAESI Act is allowed and Authorized Officer is permitted to take over possession of secured assets (more particularly mentioned in application in paragraph No.7) on behalf of applicant.

2.	Advocate Ms. Pratiksha A. Kekare is hereby appointed as Court Commissioner to take over possession of the secured assets mentioned in para 3 of this order here-in-above by taking such steps and by using such force as may be legally necessary. Applicant to pay ₹10,000/- (Rupees Ten Thousand only) as a Court Commissioner Fee to Advocate Ms. Pratiksha A. Kekare by demand draft or cheque.
3.	The Police Station Officer within whose territorial jurisdiction secured asset is located, is hereby directed to provide police aid as per rules to Court Commissioner if he required so for taking over possession of secured assets.
4.	The Court Commissioner shall report the compliance within 90 days from the receipt of writ of commission.
5.	Issue Writ of Commission accordingly.
6.	The application is disposed off accordingly.

MOHDTAHER BILAL MOHD ISHAQUE

Digitally signed by MOHDTAHER BILAL MOHD ISHAQUE
Date: 2026.08.07 15:58:39 +0530

Dated: 07.08.2026

(Md. Taher Bilal)
9th Jt. CJSD & Addl. CJM, Dhule.

CERTIFICATE

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

Name of Steno : Rahul N. Kulkarni, (Grade II)
Court Name : Shri. Md. Taher Bilal
9th CJSD & Addl. CJM, Dhule.
Date of Order : 07.08.2026.
Judgment signed by presiding officer on : 07.08.2026.
Judgment uploaded on : 07.08.2026.