CNR NO. MHWS-0300-1808-2025	**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, WASHIM.** State Bank of India through Mr. Kumar Mohit **Vs.** Dhammapal Devidas Date:-17.01.2026

State Bank of India
body corporate formed under
SBI Act 1955 Bank is also
regulated under the provision of
banking Regulation Act 1949, through
Authorized Officer/Chief Manager
Kumar Mohit, aged 38 Yrs, Occu-Service
R/o Chief Manager SBI Main Branch Washim
Tq. Dist. Washim. **... Applicant.**

--Versus --

Dhammapal Devidas Wakode,
Age:- 36, Occ:- Service.
R/o. at primary Health Center,
Mangul Zanak, Tq. Risod Dist. Washim. **... Respondents.**

Claim: Application under Section 14 of The Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002.

Appearance :- Ld. Advocate Mr. R. G. Dhoble for the applicant.

ORDER BELOW EXH.1 IN CRI.M.A.No.268/2025

1) The applicant has filed this application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act')

for taking possession of the secured asset described as :-

'All that Piece and Parcel of the Flat No.404, on 4^{th} floor, at Vyankatesh Homes, having carpet area of 51.54 Sq.Mt. And having 43.295 Sq.Mt. Situated at Vyankatesh Wing B2, Tirupati City-2, Kondhala Road Located on Plot No.1, Field Survey No.392/1 of Washim Tq. Dist. Washim and which is bounded as under-

To the East - Open,

To the West - Open Duc and Flat No.403,

To the North - Lobby lift and open,

To the South - Open.'

2) In short, it is the contention of the applicant that respondents are borrowers. The applicant had sanctioned and disbursed the financial assistance of Rs.19,80,000/- (Rs.Nineteen Lakh Eighty Thousand Only) to respondent. Respondent executed in favour of the applicant registered mortgage deed dated 28.05.2024 in respect of secured asset. Till the date of filing of this application, the applicant is holding a valid and subsisting security interest over secured asset. Pursuant to grant of financial assistance and creating of security interest over secured asset, various documents (including equitable mortgage) were executed by respondent in favour of the applicant. Respondent has committed default in repayment of the financial assistance. Thus, his account has been classified as 'Non Performing Asset'. Therefore, demand notice under Section 13(2) of the Securitisation Act was issued to respondent on dated 22.04.2025, calling upon them to pay an amount of Rs.20,17,693/- (Rs. Twenty Lakh Seventeen Thousand Six Hundred Ninty Three only) along with other charges which was due from him. The said demand notice was served upon respondent on dated 03.05.2025. Despite service of the said notice, respondents did not pay

the aforesaid outstanding amount to the applicant within stipulated period of 60 days. The demand notice was also published in Newspapers 'Loksatta' and 'The Indian Express' respectively dated 04.07.2025 and 05.07.2025 in Marathi and English. Despite that, respondents did not clear up dues of the applicant. Hence, the applicant is constrained to file this application.

3) It is pertinent to note that it is settled position of the law that notices are not required to be issued to borrowers and guarantors when application under Section 14 of Securitisation Act is filed. Therefore, notices were not issued to respondents.

4) It is requirement of Section 14 of Securitisation Act that Authorized Officer of applicant financial institution has to file an affidavit stating therein facts mentioned in Sections 14(1)(b)(i) to 14(1)(b)(ix). Accordingly, Authorized Officer of the applicant has filed an Affidavit. It is, however, matter of the record that the applicant has filed copy of loan application dated 01.05.2024, copy of letter of arrangement dated 18.05.2024, copy of confirmation letter dated 18.05.2024, copy of mortgage deed by way of title deed dated 28.05.2024, copy of agreement of mortgage dated 18.05.2024, copy of demand notice dated 22.04.2025, copy of possession notice dated 30.06.2025, copies of track consignments and copy of notice published in Newspapers.

5) Perused the application, affidavit submitted by the Authorized Officer of the applicant and documents filed on record. Heard Ld. Advocate for the applicant. It appears that the applicant has granted the aforesaid financial assistance to respondents. Pursuant to said financial assistance, respondents have executed various documents in favour of the applicant to create security interest over the aforesaid secured asset. Respondents failed to repay the loan amount. Thus, the

applicant is constrained to declare borrowers' account as "Non Performing Asset" and constrained to issue Notice dated 20.04.2025 under Section 13(2) of Securitisation Act, demanding total outstanding amount of Rs.20,17,693/- (Rs. Twenty Lakh Seventeen Thousand Six Hundred Ninty Three only). Respondents did neither pay applicant's due, nor they did reply the notice within stipulated period of 60 days. Thus, present application came to be filed. It is becomes evident from the record that secured assets is situated within the jurisdiction of this Court and however, it is in possession of respondents. Therefore, I do not find any barrier to pass order in favour of the applicant under Section 14 of Securitisation Act to take possession of aforesaid secured asset. It is matter of the record that the applicant has filed the pursis at (Exh.5) stating therein that Ld. Advocate **Mr. Aditya P. Wanare** be appointed as the Court Commissioner for taking possession of the secured assets. Hence, I proceed to pass the following order:-

O R D E R

(1) Application is allowed.

(2) Ld. Advocate **Aditya P. Wanare** is hereby appointed as Court commissioner to take possession of the secured asset, more particularly described in para No.1 of this order; and to handover the same to applicant's Authorized Officer, viz.- **Mr. Kumar Mohit,** under panchnama.

(3) The Court Commissioner is empowered 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 if any articles/documents found in the secured asset, he shall

deliver possession thereof to applicant's aforesaid Authorized Officer after preparing panchanama and taking inventory.

(4) Issue writ of commission accordingly on payment of Rs.5,000/- as charges of the Court Commissioner by the applicant.

(5) Ld. Advocate **Mr. Aditya P. Wanare ,** is hereby directed to submit his report within 90 days from date of issuance of writ.

Digitally signed by PRASHANT RAVINDRA RANE
Date: 2026.01.17 17:15:33 +0530

Washim.
Date : 17.01.2026.

(P. R. Rane)
Additional Chief Judicial Magistrate,
Washim.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per original judgment.

1)	Name of Stenographer	:- Rohit D. Pandit, Stenographer (Grade-II)
2)	Name of Court	:- Addl. Chief Judicial Magistrate, Washim.
3)	Date	:- 17.01.2026.
4)	Order signed by the presiding officer on	:- 17.01.2026.
5)	Order uploaded on	:- 17.01.2026.