CNR No. : MHCH03-004268-2026

ORDER BELOW EXH.01 IN O.M.CRI.A. NO.404/2026
MAHARASHTRA GRAMIN BANK, BRAHMAPURI VS. MOULI MINI DAL MILL & ORS.

01. By this application, the Applicant Bank is seeking the assistance for taking possession of the secured assets as per Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("the SARFAESI Act").

02. Perused the application along-with affidavits of authorized officer of applicant Bank and all the supporting documents.

03. Heard advocate for applicant. The Vidharbh Konkan Gramin Bank has been amalgamated with Maharashtra Gramin Bank vide Gazette No.CG-DL-E-07042025-262329 dated 05.04.2025. It appears that, the applicant Bank is a 'Secured Creditor' within the meaning of Section 2(1)(zd) of the SARFAESI Act. The respondent No.1 is the borrower and respondent Nos.2 & 3 are the guarantor of term loan of Rs.2,50,000/- and cash credit loan of Rs.7,50,000/- from the applicant Bank. The said loans are secured by equitable mortgage. As per account statement, the respondents are in default in making payment of the said loans. Total claim of the applicant as per demand notice dated 06.11.2023 is of Rs.9,87,813/- as on 06.11.2023 together with further interest, expenses and cost that may be incurred till date of payment. Further, respondents loan accounts were declared as a N.P.A.

04. The Hon'ble Bombay High Court in the landmark Judgment of **M/s. Trade Well & Anr. vs. Indian Bank & Anr.**

[**2007 (1) Bom CR (Cri) 783**] laid down the following guidelines in respect of Section 14 of the SARFAESI Act-

> 1. The bank or financial institution shall, before making an application under section 14 of the NPA Act, verify and confirm that notice under section 13(2) of the NPA Act is given and that the secured asset falls within the jurisdiction of CMM/DM before whom application under section 14 is made. The bank and financial institution shall also consider before approaching CMM/DM for an order under section 14 of the NPA Act, whether section 31 of the NPA Act excludes the application of sections 13 and 14 thereof to the case on hand.
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> 2. CMM/DM acting under section 14 of the NPA Act is not required to give notice either to the borrower or to the 3rd party.
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> 3. He has to only verify from the bank or financial institution whether notice under section 13(2) of the NPA Act is given or not and whether the secured assets fall within his jurisdiction. There is no adjudication of any kind at that stage.
>
> 4. It is only if the above conditions are not fulfilled that the CMM/DM can refuse to pass an order under section 14 of the NPA Act by recording that the above conditions are not fulfilled. If these two conditions are fulfilled, he cannot refuse to pass an order under section 14.
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> 5. Remedy provided under section 17 of the NPA Act is available to the borrower as well as the third party.
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> 6. Remedy provided under section 17 is an efficacious alternative remedy available to the

third party as well as to the borrower where all grievances can be raised.

05. In view of the above, there is no requirement to give the Notice to the Borrower / respondent while deciding the application under Section 14 of the SARFAESI Act. Also, it appears from the material placed on record that the Applicant Bank had issued the Notice under section 13(2) of the SARFAESI Act to the Borrowers and it were served as per law. But no material is available on record to suggest that the Borrowers have preferred any application under Section 17 of the SARFAESI Act. Further, the secured assets fall within the jurisdiction of this Court. Moreover, the Authorised Officer of applicant Bank has filed sworn affidavits at Exh.04 & 07 on record wherein it has been affirmed that all requirements of Section 13 of the SARFAESI Act are duly complied with. Therefore, there is no impediment in granting the necessary assistance to the Applicant Bank in taking possession of the secured assets as per Section 14 of the SARFAESI Act. Hence, I proceed to pass the following order.

ORDER

01)	The Application is allowed.
02)	Issue Possession Warrant as prayed.
03)	The Bailiff of Nagbhid Court is directed to take the possession of the following properties:
	PROPERTY ALL THAT piece and parcel of land being and lying situated at Mouza-Kordha, Tah. Nagbhir, Distt. Chandrapur, under the jurisdiction of Kordha Grampanchayat bearing Property No.504, Area of RCC House Admeasuring 460.00 Sq.Ft.(42.8 Sq.Mtr.), which is owned by Mr. Subhash Kisan Choudhari (Guarantor), and bounded as under :-

	East – House of Mr. Namdeo Choudhari, West – House of Mr. Kishor Choudhari, North – Open Land of Mr. Pundlik Choudhari, South – House of Mr. Amrut Choudhari. along with the building and structure constructed thereon and all the fixed plant, machinery and fixture annexed thereon as per list.
04)	The Bailiff shall take possession of the above properties by taking such steps and using such force as may be legally necessary and break open the lock, if required. After taking possession, the Bailiff shall forward the same to the Applicant Bank.
05)	The In-charge Police Officer of concerned 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 Bank.
06)	The applicant Bank shall have to bear the requisite charges as per the rules.

Digitally signed by
RAHUL
KAMALKISHOR
PUROHIT
Date: 2026.08.13
16:31:34 +0530

(R.K. Purohit)

Date : 13.08.2026. 4th Addl. Chief Judicial Magistrate,
Chandrapur.