MHNG030218892026	**Criminal Misc. Application No. 3466/2026** **ORDER BELOW EXH. 1**

1. The applicant IDFC First Bank Limited is a Non Banking Financial Company is a company incorporated under the Indian Companies Act, 1956 has filed this application for taking physical possession of secured assets under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAESI Act).

2. Heard. The applicant claimed as financial institution for the purpose under the SARFAESI Act. The respondent grant financial assistance availed by way of mortgaging the property and sanctioned of Rs.12,00,000/- and Rs.6,00,000/- total of Rs.18,00,000/- credit facility from the applicant and committed default in repayment. Hence, this application to take possession of secured asset.

3. Perused record. The present application is filed along with affidavit of authorized officer of the applicant Shri Kunal Kanjaria. In order to issue order under Section 14 of SARFAESI Act, affidavit of concern officer and relevant documents are uploaded on E-portal in order to satisfy the Court. The following contents are averred in the affidavit of applicant/authorized officer:

i) Financial assistance/ credit facility of Rs.12,00,000/- and Rs.6,00,000/- was granted to the non-applicant and as on date of filing this application Rs.12,58,731.58/- is due on 14.01.2026.

ii) The applicant officer stated in affidavit that there is valid and subsisting security interest over the property.

iii) The non applicant has created security interest by mortgage in respect of property i.e. ;

SCHEDULE OF PROPERTY

All That Piece and Parcel of south - west side admeasuring area 600 sq. ft. (55.74 sq. mtrs) out of the total land area 228.262 sq mtrs of the plot No. 183, Kh. No. 499, 490, 497, 496 to 1, Sheet No. 13, ITY Survey No. 177, situated at Mouza-Jat Tarodi, Tah and Dist. Nagpur, Maharashtra - 440019, and the same is bounded as under :

East	-	Part of plot No. 183,
West	-	Plot No. 182,
North	-	House No. R. Chavan,
South	-	Road

iv) From documents it reveals that, the applicant has registered the said security interest under Section 26D with Central Registry of Securitization Asset Reconstruction and Security Interest of India vide Security Interest I.D.No.400013601955.

v) The non-applicant has committed default in repayment of loan amount of Rs.12,58,731.58/- on the date of issuance of notice dated 15/01/2026.

vi) The borrower account become irregular and has become and is classified as Non Performing Asset with effect from 03/08/2024 for loan account availed.

vii) Applicant has issued notice under Section 13(2) of SARFAESI Act on 15.01.2026 by giving 60 days time to repay the due amount.

viii) Authorized officer of applicant stated on affidavit that, notice duly received by non-applicant and have not made any objection and representation to the notice.

ix) The applicant desirous to take possession of secured asset under the provision of Sub-Section 4 of Section 13 read with Section 14 of SARFAESI Act.

5. It is also submitted that, Advocate **Sakshi Junghare,** (**MAH/10863/2021**) be appointed as Court Commissioner as advocate being the officer of court capable to execute the order of court in view of ratio of the **Honble Apex Court** ***NKGSB Cooperative Bank Limited Vs. Subir Chakravarty and Ors.*** reported in ***Civil Appeal No.1637 of 2022 decided on 25.02.2022.*** Pursis Exh. 6 in that respect is up-loaded on E-portal. Therefore, looking to the over burden of the court staff it will be justifiable to appoint an Advocate as a Court Commissioner to take the possession of Secured Asset.

6. From the above said contentions of authorized officer in affidavit and documents filed along with application, I am satisfied that, the contents satisfied the legal requirements therefore, suitable order is required to be passed for taking possession of secured assets as per Section 14(1) second proviso of SARFAESI Act. Hence, I pass the following order.

ORDER

1. The application under Section 14 of SARFAESI Act is allowed as under ;

i. Advocate **Sakshi Junghare,** (**MAH/10863/2021**) is hereby appointed as Court Commissioner being Officer of the Court to take the possession of Secured Assets, All That Piece and Parcel of south - west side admeasuring area 600 sq. ft. (55.74 sq. mtrs) out of the total land area 228.262 sq mtrs of the plot No. 183, Kh. No. 499, 490, 497, 496 to 1, Sheet No. 13, ITY Survey No. 177, situated at Mouza-JatTarodi, Tah and Dist. Nagpur, Maharashtra - 440019, and the same is bounded as under :

East	-	Part of plot No. 183,
West	-	Plot No. 182,
North	-	House No. R. Chavan,
South	-	Road

ii. The Court Commissioner in order to carry out order give 15 days advance notice to take possession of the Secured Asset as above and if the possession is not given peacefully then entitled to use such force as may in his opinion may necessary including breaking open the lock or any hurdle thereof by taking assistance if required at the expenses of the applicant company/bank and if any articles or documents found in secured assets then deliver its possession to the authorized officer of the applicant company/bank after preparing its panchanama and taking inventory.

iii. The police station officer within whose territorial jurisdiction the Secured Asset is located is hereby directed to provide police aid to the Court Commissioner, if it requires so, for taking over possession of Secured Assets.

iv. The Court Commissioner to give letter to the police for police aid in advance, if Police aid is required.

v. The Court Commissioner after taking over the possession of the Secured Assets hand over the same to the authorized officer of the applicant and take due acknowledgment.

vi. The Court Commissioner shall report the compliance along with necessary documents, panchanama etc. within 60 days from the receipt of Court Commissioner Writ. However, in the mean time, if any competent court grants stay to execution of this order then automatically until such stay order remain in force, time to comply the order will be deemed to be extended and no separate application for extension of time for execution of order will have to be filed before this Court by the Court Commissioner.

vii. The applicant company to pay Rs.5,000/- (In wards Rupees Five Thousand only) interimly towards fees and charges to the Court Commissioner within 15 days from the date of this order.

viii. Issue Court Commissioner Writ accordingly for compliance, after Court Commissioner acknowledge receipt of Court Commission Fee.

2. Application stand disposed of accordingly.

DISTRICT COURTS MAHARASHTRA

Digitally signed by
MOHMMAD
ZAHEER ABBAS
ABDUL KADAR
QURAISHI
Date: 2026.08.14
17:50:25 +0530

(M. Z. A. A. Q. Quraishi)
24th Jt.Civil Judge Senior Division and
Additional Chief Judicial Magistrate,
Nagpur.

Nagpur
Date :14.08.2026

C E R T I F I C A T E

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

Name of the Stenographer :- D. H. Dhopte (Gr. III)