

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 9986/2026

Smt. Premlata Sharma W/o Bhuri Lal Sharma, Aged About 45 Years, R/o Plot No. 15, NH 76, Bedwas, Udaipur, Rajasthan. 313001 And Plot No. 1, Pratap Colony, Khasra No. 967-970 And 978, Rajasv Gaon, Bedwas, Girwa, Udaipur, Rajasthan.

----Petitioner

Versus

1. Bank Of Baroda, Through Authorized Officer, Shri Sidhaarth Prithvi Raj Sain, Branch, Ssi Sukher, NH 8, Udaipur, Rajasthan, 313001.
2. Bhuri Lal Sharma S/o Modi Lal Audichya, R/o Plot No. 15 NH 76 Bedwas, Udaipur, Rajasthan. 313301.
3. Champa Lal Sharma S/o Devi Lal Sharma, R/o Plot No. 217, Bedwas, Udaipur, Rajasthan. 313301.
4. Durgesh Vaishnav S/o Ram Chandra Vaishnav, R/o 533, Rahat Wali Ghati, Gaon Dhikli, Udaipur, Rajasthan. 313001.
5. Pushkar Raj Vyas S/o Shri Daya Shankar Vyas, R/o 1175/34, Saraswati Hospital Ke Piche, Pahada, Udaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Ms. Dolly Jaiswal Mr. Hemank Vaishnav
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

07/05/2026

1. It is contended by learned counsel for the petitioner that in the application preferred by the respondent Bank under Section 14

of the SARFAESI Act, 2002, the proper amount has not been mentioned. It is further submitted that as per Section 14(viii) of the SARFAESI Act, 2002, Authorised Officer is entitled to take possession of the secured assets under the provisions of sub-section (4) of Section 13 read with Section 14 of the principal Act, in case the borrower has not made any repayment of the financial assistance.

2. Section 14(viii) of the SARFAESI Act, 2002 reads as under:-

(viii) the borrower has not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of Section 13 read with Section 14 of the principal Act;

3. Learned counsel for the petitioner further submitted that, pursuant to the notice dated 09.06.2025 issued under Section 13(4) of the Act of 2002, the respondents thereafter published a possession notice dated 21.08.2025, wherein the address/description of the property was incorrectly mentioned. It was submitted that, despite such discrepancy in the property description, the petitioner bona fide deposited certain amounts towards her loan account. However, notwithstanding the bona fide deposit made by the petitioner, the respondent-Bank continued with the proceedings and subsequently issued a fresh notice.

4. The matter requires consideration.

5. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

6. In the meanwhile and till the next date of hearing, no coercive action shall be taken against the petitioner subject to the

condition that petitioner deposit a sum of Rs.15,00,000/- within a period of 45 days from today.

7. In case, the amount aforesaid is not deposited by the petitioner in the stipulated period, the respondent – Bank shall be free to proceed further against the petitioner.

(MUKESH RAJPUROHIT),J

63-Ramesh/-