IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
THIRUVANANTHAPURAM

Present:

ARUN BECHU N.N
CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM

Thursday, the 23rd day of April, 2026

M.C. No.72/2026

Petitioner — Canara Bank, Trivandrum, Trivikkaramangalam Branch, TC 20/1241, Trivrikkaramangalam road, Karamana, Thiruvananthapuram, Kerala 695002, Represented by its Authorized Officer.
(By Adv.Sri.J.R.Padmakumar)

Respondents
1 Binukumar.S S/o Soman G, Aged 42 years, Residing at Sathyanweshana Bhavanam, Minnamcode, Peyad P.O, Trivandrum, Kerala 695573.
2 Lathika C, W/o Binukumar, Aged 36 years, Residing at 9/33, Sathyanweshana Bhavanam, Minnamcode, Peyad P.O, Trivandrum, Kerala 695573.

O R D E R

This petition was filed under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "Act") for taking possession of the secured asset which is the scheduled property.

2. The petitioner is Canara Bank. It is represented by its authorized officer. The petitioner is the secured creditor and the respondents are the secured debtors. The respondents created a security interest by virtue of a security agreement over the scheduled property ie., the secured asset in favour of the petitioner in respect of the financial assistance that they availed from the petitioner (Sale deed No.2927/2017). The respondents committed default in repaying the loan. Therefore the account was classified as Non Performing Asset on 05/02/2024. On 15/03/2024, the petitioner issued a demand notice u/s.13(2) of the Act to the respondents calling upon them to repay the loan amount in full within 60 days. The notices were served on the respondents. Even after the notice u/s.13(2) of the Act, the respondents did not repay the loan amount within the statutory period. So, the petitioner filed this petition for taking possession of the secured asset for realization of the amount due to the petitioner's bank.

3. The authorized Officer of the petitioner filed affidavit in compliance of Sec.14 of the Act. The affidavit and the documents produced by the petitioner show that the respondents created a security interest over the secured asset in favour of the petitioner at the time of availing loan and they failed to repay the amount even after the receipt of the statutory notice u/s.13(2) of the Act. Hence I find that the petitioner is entitled for possession of the secured asset which is the scheduled property through the proceedings of this court.

In the result, the petition is allowed as follows:-

1. Advocate Sajitha.S (K/769/2011) is appointed as the commissioner to take possession of the scheduled property with due notice to the respondents and hand it over to the petitioner on proper acknowledgment. The petitioner shall pay a batta of Rs.5500/- to the commissioner within 15 days from today and and pay Rs.1500/- on filing report by the commissioner.

2. The petitioner shall provide a copy of the petition including the schedule of secured asset to the advocate commissioner for executing the order.

3. The Station House Officer of the Police Station within the territorial area in which the secured asset is situated, shall give necessary assistance to the commissioner if so required for executing the order.

4. The Advocate commissioner is permitted to break open the premises if required so.

5. The commissioner is directed to prepare an inventory in triplicate to be attested by two respectable witnesses as regards the execution of this order and in taking possession of the scheduled property and copies thereof shall be given to the petitioner as well as the respondents on proper acknowledgment. The remaining one copy shall be filed along with the commissioner's report before the court.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 23rd day of April, 2026)

CHIEF JUDICIAL MAGISTRATE
THIRUVANANTHAPURAM