STATE OF KERALA
IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MANJERI

Present:- Smt.T.B. Fazeela, Chief Judicial Magistrate.

(Dated this the 25th day of February 2025

M.C.No. 259/2025

Petitioner/Secured creditor : Perinthalmanna Urban Co-Operative Bank Ltd,Perinthalmanna Rep.by its Authorized Officer *Hari A, S/o.Narayanan, aged 52 years, Allakkatt House,Cherakkaparamba Perinthalmanna.*

Respondents/Borrowers :

1.M/s Rasputin Suiting Studio, Pro.Sasidharan (Late), Kozhikode Road, Perinthalmanna.

2.Shuja, W/o.Sasidharan (Late), Parayil House, Perinthalmanna, Malappuram District.

3. Anitha a, Mother & Guardian of Manu Krishna S (Minor), S/o.Sasidharan, Pezhumkad House, Thiruvalathur PO, Palakkad Dt.

4. Anitha A as mother & guardian of Abhinav Krishna S (Minor), S/o.Sasidharan,Pezhumkad House, Thiruvalathur PO, Palakkad District.

This application having been finally heard on this day, the Court delivered the following :-

ORDER

This is an application filed U/s.14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The requisition in brief:- The applicant is secured creditor under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 represented through it's authorised Officer. The respondents/borrowers have availed a term loan from the applicant/Bank and owing to the default in repayment of the same is classified as a non performing asset. The outstanding liability of the respondents/borrowers as on **04.02.2025 is Rs 30,39,102/-**. Non clearance of the liability despite receipt of the statutory notice, has necessitated initiation of recovery proceedings. Hence, the requisition.

3. Having heard the learned counsel appearing for the applicant/secured creditor, I carefully gone through the plea as well as the supporting affidavit and records. Going by the records it can be seen that the subject loan account is classified as a non performing asset and further that the respondents/borrowers are duly served with the statutory demand notice U/s.13(2) of the Act. Upon scrutiny of the materials on record, I am satisfied that the applicant has duly complied with all the legal formalities required for enforcement of security interest created against the secured assets scheduled herein. Therefore, it is just and proper to order taking over of possession of the secured assets and documents as prayed for.

In the result, the application is allowed as follows:

(i) The applicant/secured creditor is hereby authorised to take over possession of the secured asset scheduled herein through the Commissioner appointed hereunder.

(ii) **Adv.Smrithi Muraleedharan (mob:9605394313)** is appointed as the Commissioner.The commission batta is fixed as Rs.10,000/-. The applicant/secured creditor shall pay the commission batta directly to the commissioner within 7 days from the date of this order and shall file memo.

(iii) The Commissioner may identify the secured asset with the assistance of the applicant/secured creditor and the **Village Officer Perinthalmanna** and after having taken physical possession thereof within three months from the date of this order shall hand over the same to the authorised officer of the applicant/Secured Creditor forthwith.

(iv) The commissioner is empowered to use necessary force for taking possession in case of obstruction or resistance and he/she can even break open the lock/door of any house or building in order to take possession of the secured asset with the assistance of police, if the same is found locked with a view to prevent the taking over of the possession thereof.

(v) The **SHO Perinthalmanna** is directed to provide necessary police protection to the Commissioner for the effective execution of the court order. It is made clear that in the event of a requisition in writing from the part of the Commissioner, the SHO concerned shall provide necessary police assistance to take possession of the subject secured asset by breaking open the gate or door of the house/building.

(vi) The Commissioner shall prepare a mahazar from the site detailing the date, time, place and the factum of taking over of the secured asset from the respondents/borrowers and delivery of it's possession to the authorised officer of the applicant Bank.

(vii) The Commissioner shall also cause to take photographs, at the expense of the applicant/secured creditor, evidencing the taking over and handing over of the possession of the secured asset as detailed in his/her mahazar.

(viii) The Commissioner shall execute the warrant within three months from the date of order and file report forthwith. It is made clear that the Commissioner shall return the warrant in case of non payment of batta or non execution of the order within the time prescribed above.

(ix) Communicate the order to the Village Officer and the SHO concerned forthwith.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 25th day of February 2025)

Chief Judicial Magistrate,
Manjeri.