Proceedings of the Chief Judicial Magistrate Court, Tenkasi District.

Present: Tmt.J.Christal Babitha, M.Sc., M.L.,
Chief Judicial Magistrate,
Tenkasi.

Monday the 10 day of August 2026

Criminal Miscellaneous Petition No.925/2026

CNR No. TNTS02-002054-2026

Petitioner:	CITY UNION BANK LIMITED, Represented through its Authorised Officer, Kadayanallur Branch, No.264/A, Road No.11, Madurai Road, Krishnapuram, Kadayanallur, Tenkasi District — 627 751.
Respondents	1. Mr.PMariselvam (33/2026) S/o. Mr.K.Ponpandian, No.3/10, Pillaiyar Kovil Street, Chinnapanayarkulam, Urmelazhagian - 627 852 Tenkasi District.
	2. Mr.K Ponpandian, (63/2026) S/o. Mr.Karuppasamy Thevar, No.3/10, Pillaiyar Kovil Street, Chinnapanayarkulam, Urmelazhagian - 627 852 Tenkasi District.
	3. Mrs.P.Lakshmi, (56/2026) W/o. Mr.K.Ponpandian No.3/10, Pillaiyar Kovil Street, Chinnapanayarkulam, Urmelazhagian - 627 852 Tenkasi District

This petition coming for final hearing before me on this court on 03.08.2026 in the presence of Mr. A. Venkatesh, Advocate for petitioner and upon hearing petitioner side arguments, perusing the petition and other relevant documents, and having stood over for consideration till this day, this court delivered the following,

ORDER

The petitioner namely **CITY UNION BANK LIMITED,** Kadayanallur Branch, represented by its Authorised Officer has filed this application under section 14(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 seeking appointment of Advocate Commissioner to take possession of the Secured asset mentioned below....

SCHEDULE OF PROPERTY

SCHEDULEA

Property Owned By P. Lakshmi w/o K. Ponpandian

All the pieces and parcels of the house property which is situated in Punjai Survey No. 99/2, Urmelazhagiyan Village Panchayat. Idaikal Sub-Registrar Office, Tenkasi Registration District, Tirunelveli (District)

Bounded on

North by- Ponnusamy Thevar, Subramanian and others land

East by- Esakki Land

South by- 12.5 feet width of East West Common Path way

Westby- Nainargaram Village Boundary

Within the measurement of

East West 16.75 feet

South North 53 feet

is the total extend of 887.75 Sq.ft is equal to 82.47 Square meter of house property which is situated in remaining 14 cent out of 8 cent sale given to Divan Mydeen in 22 cent, South North of Western side in 92 cent in Punjai S.N0.99/2 in Urmelazhagian Village, Tenkasi Taluk, Idaikal Sub Registrar Office, Tirunelveli District.

2) The petitioner is a banking company. The deponent is the authorized officer exercising powers on behalf of **CITY UNION BANK LIMITED,** Kadayanallur Branch. It transpires that the respondents have availed a banking loan of Rs.10,00,000/- on 31.07.2017 created an equitable mortgage in favour of the petitioner on 31.07.2017 by depositing title

deeds. They have executed a memorandum of deposit of title deeds dated 31.07.2017 confirming the mortgage. But the respondents have committed default in repayment of Principal and Interest. The petitioner has issued demand notice on 23.10.2025 under section 13(2) of SARFEASI Act and 60 days time was granted under notice. The respondents are liable to pay sum of Rs.613217/- on 21.10.2025 to the petitioner bank. The Respondent's to repay the dues of a sum of Rs.613217/- on 21.10.2025 and Rs.600150/- on 03.01.2026. Now a sum of Rs.588255/- on 05.05.2026. But the respondents did not send any reply despite receiving the notice. The petitioner has taken symbolic possession of the secured asset on 21.02.2026. The possession notice was duly published in Tamil & English News Paper on 24.02.2026. The Petitioner has also declared that the property is not in possession of any lessee under any valid lease and the same is also confirmed from the encumbrance certificate taken for the period on 14.05.2026. There is no stay or injunction in any court or Tribunals restraining the petitioner bank from taking possession of the secured assets under the provisions of the sarfaesi act.

3) As per the SARFAESI Act, the petitioner who is the secured Creditor may take possession of the secured asset under section 13 of the said act. The petitioner can file application before this court to seek assistance for taking possession of the property hypothecated. As per the section 14 of the Act, this court can take possession of such Asset and the documents relating thereto from the respondents and forward to the secured creditor.

4) The petitioner contended that the respondents are in possession of the secured Asset and declined to surrender vacant possession of the property to the petitioner and so they have filed this petition seeking assistance of the court for taking possession of the schedule property.

5) Section 14 of the Act does not contemplate any notice to the respondents before passing any order under this section.

6) Considering the above and the documents including the Sanction Letter, MOD, EC and demand notice issued by the petitioner, this court is satisfied that the respondents have defaulted in repayment of loan amount and the loan amount is not barred by limitation and the schedule property offered as security of the loan is located within the jurisdiction of this court. Petitioner proved that there is compelling situation arose for the petitioner to realise the loan amount by taking necessary action for taking actual possession of the

secured asset for sale or for transfer. Thus, this court finds for it is necessary to appoint an Advocate Commissioner for identification of the secured Asset and taking possession and if there is any resistance, seek for police assistance and take effective step to have possession of the secured Asset. Described in the schedule after taking proper inventory and also to handover the possession of the property to the petitioner bank, and as such this petition is liable to be allowed.

7) In the result, this Petition is allowed, thereby appointing **B. Arulraja, M/s.4052/2022, Phone No.9597275647** as an Advocate Commissioner.

1. To inspect the property and prepare a magazar with details of the properties along with photos.
2. Take inventories:
3. Take physical possession from the respondents in the presence of VAO and immediately hand over to the Petitioner / secured creditor
4. If necessary take assistance of Police and Revenue Officials in executing the Warrant.
5. If the secured assets is not in the possession of the respondents intimate to the court about the particulars in whose possession it vests.

A sum of Rs.25,000/- is fixed as remuneration for the said Advocate Commissioner. The petitioner shall give 50% of the said remuneration to the commissioner immediately and 50% at the time of Inspection. **Report by 10.09.2026.**

J CHRISTAL BABITHA
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Date: 2026.08.10 17:15:47 +0530

Chief Judicial Magistrate,
Tenkasi.

Petitioner side Documents:

Ex.P1	31.07.2017	Application for executed by Respondent's in favour of the| Petitioner Bank. (Xerox copy)
Ex.P2	31.07.2017	Consent Letter issued by Petitioner Bank duly accepted by Respondent's. (Xerox copy)
Ex.P3	31.07.2017	Sanction Letter executed by Respondent's in favour of Petitioner bank (Xerox copy)
Ex.P4	31.07.2017	Demand Promissory Note executed by Respondent's in favour of Petitioner bank (Xerox copy)
Ex.P5	23.10.2025	Demand Notice u/s. 13(2) issued by Petitioner bank (Xerox copy)
Ex.P6	24.10.2025	Online postal tracking report (Xerox copy)

Ex.P7	21.02.2026	Possession Notice 13(4) issued by the plaintiff bank (Xerox copy)
Ex.P8	24.02.2026	Acknowledgement card received from the Respondent's (Xerox copy)
Ex.P9	28.11.2011	Reg. Sale deed S.Muppudathi in executed favour by of P. Lakshmi (Doc. No. 4973/2011) (Xerox copy)
Ex.P10	31.07.2017	Memorandum of equitable Mortgage by way of deposit of title deeds executed by P. Lakhsmi in favour of Petitioner bank (Doc. 1858/2017). (Xerox copy)
Ex.P11	24.02.2026	Publication of Possession notice published in "The New Indian Express" & Dinamani Tamil news paper (Xerox copy)
Ex.P12	10.03.2026	Statement of Accounts (A/c. No. 501312030011432) (Xerox copy)
Ex.P13	14.05.2026	Encumbrance Certificate (online copy)

J CHRISTAL BABITHA

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Date: 2026.08.10 17:15:52 +0530

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Tenkasi.