

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KRISHNAGIRI

Present: Tmt.M.Santhi, B.L.,
Chief Judicial Magistrate,
Krishnagiri.

Monday, the 9th day of March 2026

Crl.M.P.No.432/2026

CNR.No.TNKI02-001366-2026

Niwas Housing Finance Limited,
Registered Office at Unit No.305, Corporate Avenue,
2/E wing, 3rd Floor, Andheri Ghatkopar Link Road,
Chakala Andheri (East), Mumbai – 400093.
Branch Office at Plot No.7, Above Bank of India,
CLC Work Road, Chrompet, Chennai – 600 044.
Represented by its Area Collection Manager & Authorised Officer
Sri.Emmanuel Sam.

... Petitioner

..Vs..

1. Mr.Ramachandra
2. Mrs.Prema

... Respondent

This petition coming before me for final hearing on 06.03.2026 in the presence of Mr.D.Manigandan Advocate for petitioner upon perusing the records and this court delivered the following

ORDER

The petitioner filed this petition U/s.14 of SARFAESI Act seeking assistance of this court for taking delivery of the secured asset.

On behalf of petitioner's bank its authorized officer by name **Mr.Emmanuel Sam** present and filed his sworn affidavit.

The case of the petitioner is that on **17.12.2021** executing a mortgage upon the schedule property, by the borrowers/respondents, the petitioner bank sanctioned **Loan of Rs.15,50,000/-**. The respondents has agreed to repay the same with interest at the rate of 14.50% p.a.

But as agreed the respondents has not regularly paid and the respondents are in due of **Rs.15,91,126/-** as per the Statement of Accounts filed by the petitioner bank as

on **10.12.2024** to the petitioner.

Since the respondents failed to make payment towards the loan his loan accounts was classified as Non Performing Asset on **09.12.2024**.

Thereafter by way of **document No.8** the petitioner issued notice calling upon the respondents to make payment. Since the respondents failed to make payment the petitioner took symbolic possession of the schedule property on **09.04.2025** and seeking assistance of this court the petitioner has filed this petition.

Points for consideration:-

Whether the petitioner is entitled to the relief as prayed for by him.

As per **document No.6** the respondents created a mortgage in favour of petitioner.

Hence, the schedule of property became a secured asset as defined under section 2(zc).

Further as mandated under the Act due to non-payment by the respondents the loan account has been classified as Non Performing Asset.

By way of notice dated **20.12.2024** and **24.12.2024** demand was made with respondents for repayment of loan.

Since the respondents has not made any payment steps under section 13 taken by way of affixing notice on property.

From the above discussion this court comes to the conclusion that all the conditions for lending assistance of the court in taking delivery of the secured asset as provided u/s.14 is satisfied.

Hence this court comes to the conclusion that the petitioner is entitled to the relief as prayed by it.

In result, Advocate **Thiru.N.Sureshkumar** is appointed as Advocate Commissioner to take possession of scheduled property and hand over the same to the petitioner. Further the Advocate Commissioner is empowered to take assistance of police officials and also revenue officials in Identification of the secured assets and protection for peacefully taking and handing over of possession of the secured asset to the petitioner by submitting necessary application to the concerned officials and

also empowered to exercise the power of breakopen if the situation warrants. The petitioner shall pay a sum of Rs.20,000/- directly to the Advocate Commissioner towards remuneration within a week. The Advocate Commissioner on filling a memo of receipt of remuneration from the petitioner, the warrant is ordered to be issued.

Accordingly this petition is allowed.

Advocate Commissioner report call on 18.03.2026.

This order has been dictated by me to the Steno-typist, typed by him directly computer, corrected and pronounced by me in the open court on this the 9th day of March 2026.

Chief Judicial Magistrate,
Krishnagiri.

Encl.:- Schedule of Property

Schedule of Property

All that piece and parcel of the property bearing, In Krishnagiri District, Krishnagiri Registration District, Denkanikottai Sub Registration District, Denkanikottai Taluk, Jawalagiri Village S.y.No.75/3, Dry.Ext. Hec.1.1.50, Asst Rs.2.81 Out of this Measuring an Extent of AC.0.05 Cents of Land Bounded as follows:-

East : Thali to Jawalagiri Main Road,

West : Remaining Land Belongs to Mr.Duraisamy in the Same Survey Number

North : Land Belongs to Mr.Duraisamy,

South : Land Belongs to Mr.Narayanappa.

In the Midst Measuring an Extent of Ac.0.05 Cents of Land.

Chief Judicial Magistrate,
Krishnagiri.