

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUVARUR
PRESENT : Tmt.Dr.R.Latha M.A., M.L., Ph.D.,
Chief Judicial Magistrate, Tiruvarur

Monday, the 25th day of May 2026

Cr.M.P. No.334/2026

M/s.Equitas Small Finance Bank Limited,
Represented by its Authorized Officer,
Mr. M. Pavithran

.... Petitioner

- Vs. -

1) Mrs. Thaivanai,
W/o. Manokaran,
No.2/49, Alkattuveli,
Pinnathur,
Thiruthuraipoondi-Taluk,
Tiruvarur District-614 706.

2) Mr. Manokaran,
S/o. Jayaraman,
No.2/49, Alkattuveli,
Pinnathur,
Thiruthuraipoondi-Taluk,
Tiruvarur District-614 706.

.....Respondents

This Petition came up on 19.05.2026 for final hearing before this Court in the presence of **Thiru. G. Dinesh** the learned Counsel for the Petitioner and upon hearing this court delivered the following,

ORDER

1) The Petitioner has filed this petition U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 seeking to appointment of Advocate commissioner to take physical possession of secured Properties.

2) **Crux of the Petition :**

The Respondents have availed loan failed to repay the several EMIs. So, the petitioner has classified the Respondents's loan account non-performing Assets. Subsequently, on 02.01.2026 the petitioner company issued the demand notice U/s.13(2) of SARFAESI Act to the Respondents by granting 60 days time for repaying the loan amount a sum of Rs.3,58,015/- as on 02.01.2026. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 18.03.2026 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.3,58,015/- as on 02.01.2026 with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 24.03.2026 the petitioner issued a paper publication by adverting the possession notice vide **The New Indian Express** English edition daily newspaper and also issued Vernacular **Dinamani** newspaper. In spite of the possession notice so far, the respondents have not repaid the loan amount. Now the total amount outstanding is Rs.3,58,015/- as on 02.01.2026. The petitioner cannot take physical possession of the secured asset without assistance of the Court and Police. Therefore, prayed to appoint Advocate Commissioner for taking physical possession of the Schedule mentioned property.

3) Heard the petitioner and perused the documents.

4) On perusal of entire records, it is made clear that the respondents obtained Property Loan from the petitioner bank and failed to repay the loan amount. Further on the date of Rs.3,58,015/- as on 02.01.2026. The respondents executed equitable mortgage for the petition mentioned properties to the petitioner bank. On perusal of Proof Affidavit and the Documents the petitioner complied the provision of Sec.13(2) and 13(4) of the SARFAESI Act. Hence, the

petitioner is entitled to taking physical possession of schedule mentioned property.

5) In the result, the Petition is allowed, Advocate **Thiru. N. RAJENDRAN, Enrollment No.2297/2015** is appointed as Advocate Commissioner to take physical possession of schedule mentioned properties, after taking inventory if necessary by the assistance of the Station House Officer, **MUTHUPETTAI POLICE STATION** and to hand over the same to the Petitioner and report the same to the court. In the event of any obstruction, the learned Advocate commissioner is hereby permitted to break open and took possession of the schedule property.

A sum of Rs.30,000/- (Rupees Thirty Thousand Only) is fixed as remuneration to the Advocate/ Commissioner. The petitioner is hereby directly to pay the Advocate/Commissioner fee within 15 days from the date of order. The Advocate/ Commissioner shall execute the warrant without causing any physical harm to the inmates and to execute the warrant within 60 days from the date issue of warrant. With these direction, this petition is closed. No cost.

SCHEDULE OF PROPERTY

PROPERTY-1

Applicant 2 : Manokaran

All that piece and parcel of land and building comprised in S.No. 25/2, with an extent of 6,456 sq.ft., situated at Pinnathur Village, Thiruthuraipoondi-Taluk, Tiruvarur-District.

Bounded on the

North by : Mrs. Saroja Ravuthasamy Property

South by : Mr. Kandhan Subramaniyan Property

East by : Road

West by : Mr. Seetaharama Chettiyar Property

Dictated to the steno-typist, transcribed by her, corrected and pronounced
by me in the open court on 25th day of May 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. M. Pavithran

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 25.11.2025 Authorization Letter- Xerox
Exhibit 2	On 10.02.2022 Loan Application -Xerox Compared with Original
Exhibit 3	On 23.02.2022 Loan Sanction Letter-Xerox Compared with Original
Exhibit 4	On 23.02.2022 Loan Agreement Letter- Xerox Compared with Original copy
Exhibit 5	On 11.10.2021 Partition Release Deed-Xerox Compared with Original
Exhibit 6	On 24.02.2022 Memorandum of Deposit of Title Deeds-Xerox Compared with Original copy
Exhibit 7	On 02.01.2026 Demand Notice to the Respondent U/s. 13(2) of SARFAESI Act-Xerox Compared with Original copy
Exhibit 8	On 07.01.2026 Track consignment for demand notice-Xerox Compared with Original

Exhibit 9	On 18.03.2026 Possession Notice to the Respondent U/s. 13(4) of SARFAESI Act-Xerox Compared with Original copy
Exhibit 10	On 24.03.2026 Acknowledgement of Respondents with Postal card -Xerox Compared with Original
Exhibit 11	On 16.04.2026 Statement of Accounts-Online copy
Exhibit 12	On 24.03.2026 Paper Publication for Possession Notice-Original Copy
Exhibit 13	On 17.04.2026 Encumbrance certificate-Online Copy

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**