

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI**

Present : Tmt.Priya, B.A., B.L (Hon's), M.L.,
Chief Judicial Magistrate
Thoothukudi.

Friday the 15th day of May 2026

Cr.M.P .No. 786/2026

CNR No. TNTT02-003096-2026

M/s. Cholanmandalam Investment & Finance Company Ltd,

Through its Authorized Officer

Mr. V. Pon Paulraj (Aged 29 years),

S/o. Vellakkan,

No.28, 2nd Floor, SSP & Sons Building,

Toovipuram 5th Street,

Tuticorin District – 628 003

..... Petitioner

- Vs -

1) Mr. Robert Demal Jeyakumar (Died) (Aged 52 years), (Borrower)

S/o. Mr. Robert Demal,

3/104, South Street,

Near Church, Palayakayal,

Srivaikuntam,

Thoothukudi District – 628 152

2) Mrs. Sutha @ Jeyakumar Sutha (Aged 49 years) (Co-Borrower),

W/o. Mr. Robert Demal (Late),

3/104, South Street,

Near Church, Palayakayal,

Srivaikuntam,

Thoothukudi District – 628 152

3) Minor. Poorana Saro (Aged 17 years)

Represented by her Mother 2nd Respondent

D/o. Mr. Robert Demal Jeyakumar (Late),

3/104, South Street,

Near Church, Palayakayal,

Srivaikuntam,

Thoothukudi District – 628 152

4) Minor. Poorana Jero (Aged 16 years),
 Represented by her Mother 2nd Respondent
 D/o. Mr. Robert Demal Jeyakumar (Late),
 3/104, South Street,
 Near Church, Palayakayal,
 Srivaikuntam,
 Thoothukudi District – 628 152

5) Minor. Poorana Dero (Aged 18 years)
 Represented by her Mother 2nd Respondent
 D/o. Mr. Robert Demal Jeyakumar (Late),
 3/104, South Street,
 Near Church, Palayakayal,
 Srivaikuntam,
 Thoothukudi District – 628 152

..... Respondents

This petition coming before me for final hearing on this day in the presence of Mr.M.Jeya Prakash, 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.

The Petitioner Mr.V. Pon Paulraj present and filed his sworn affidavit.

The case of the petitioner is that on 14.06.2022 by executing a mortgage upon the schedule property. The borrower / respondent sanctioned Home Loan of Rs.16,39,922/- he has agreed to repay the same with interest at the rate of 16% EMI Rs.27,471/-.

But as agreed he has not regularly paid and he is in due of Rs.31,22,361.65/-, as per the Statement of Accounts filed by the petitioner bank as on 16.03.2026 to the petitioner.

Since the respondents failed to make payment towards the loan his loan accounts was classified as Non Performing Asset on 21.08.2024 respectively.

Thereafter by way of Ex.P11 he issued notice calling upon the respondent to make payment. Since he failed to make any payment the petitioner took symbolic possession on 24.12.2024.

Since the Petitioner has faced difficulty in taking possession of the schedule property seeking assistance of this court he has filed this petition.

Points for consideration:-

- (1) Whether the petitioner is entitled to the relief as prayed by him.

On Point :

As per Ex.P9 the respondent 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 respondent the loan account has been classified as Non Performing Asset.

By way of notice dated 19.12.2024 demand was made with respondent for repayment of loan.

Since he 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, Petition is allowed. Advocate **Thiru.N.Soma Sundar (MS No.2838/2012 (Ph. No.9894467123))** is appointed as Advocate Commissioner to take possession of schedule 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 asset 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. The Petitioner shall pay a sum of Rs.25,000/- directly to the Advocate Commissioner towards the 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 disposed.

In case of urgency for any further orders either the petitioner or the Advocate Commissioner can approach this court by way of memo.

This order has been dictated by me to the Steno-Typist Typed by her directly in computer, corrected and pronounced by me in the open court on this Friday, the 15th day of May, 2026.

**Chief Judicial Magistrate
Thoothukudi.**

List of witness on the petitioner side :

PW1 - Mr. V. Pon Paulraj

List of documents on the petitioner side :

Ex.P1	25.01.2024	Copy of Authorised Officer
Ex.P2	02.06.2010	Copy of Certificate of Incorporation
Ex.P3	13.02.2023	Copy of Death Certificate of Jeyakumar
Ex.P4	01.02.2023	Copy of Legal Heirs Certificate of Mr. Jeyakumar
Ex.P5	27.05.2022	Copy of Sanction Letter
Ex.P6	27.05.2022	Copy of Loan Agreement
Ex.P7	16.05.2022	Copy of Loan Application
Ex.P8	14.03.2012	Copy of Title Deed executed by Mrs. Deboral in favour of Mr.Jeyakumar, Doc. No. 304/2012
Ex.P9	14.06.2022	Copy of Memorandum of Deposit of Title Deed in Doc. No. 1104/2022

Ex.P10	19.03.2026	Copy of Encumbrance Certificate on Property
Ex.P11	19.12.2024	Copy of Demand Notice U/s. 13(2) of SARFAESI Act and Postal Receipt
Ex.P12	26.12.2024	Copy of Postal Track Consignment
Ex.P13	24.12.2024	Copy of Paper Publication for Possession Notice U/s. 13(4) of SARFAESI Act in Tamil Newspaper "Dinamani"
Ex.P14	24.12.2024	Copy of Paper Publication for Possession Notice U/s. 13(4) of SARFAESI Act in English Newspaper "The New Indian Express"
Ex.P15	10.03.2025	Copy of Possession Notice under Section 13(4) of SARFAESI Act with postal receipt
Ex.P16	15.03.2025	Copy of Track Consignment
Ex.P17	11.03.2025	Copy of Paper Publication of Possession Notice in English Newspaper "Business Standard"
Ex.P18	11.03.2025	Copy of Paper Publication of Possession Notice in Tamil Newspaper "Dinakaran"
Ex.P19	19.12.2024 to 16.03.2026	Online copy of Statement of Account
Ex.P20	--	Photo copy

DESCRIPTION OF PROPERTY

(As per MODT Doc. No.1104/2022, dated 14.06.2022)

தூத்துக்குடி பதிவு மாவட்டம், ஏரல் சார்பதிவகம், பழைய காயல் கிராமம், சர்வே 498/1 நிர் குடியிருப்பு நத்தத்தில், ஷை பழைய காயல் கிராம பஞ்சாயத்து, 3 வது வார்டு, பரதர் தெற்கு தெருவில், 3/104 ம் நம்பர் காரைக்கட்டு ஆர்.சி.சி.காங்கிரிட் கூரைப் போட்ட வீடு மனைக்கு மால் :

தென்வடல் தெருவுக்கும் கிழக்கு

வாசக சாலை மனைக்கு தெற்கும், மேற்கும்

சவரிடா பிச்சை பர்னாந்து வீடு மனைக்கு வடக்குமான மாலுக்குள்பட்ட மனை கிழமேல் அடி 79¾, தென்வடல் அடி 57¾ க்கு 4605.56 சதுர அடிக்கு

427.87 சதுர மீட்டர் அளவுள்ள மனையும், ஷை மனையில் 100 சதுர மீட்டர் அளவில் கட்டியிருக்கிற ஷை 3/104 ம் நம்பர் காரைக்கட்டு ஆர்.சி.சி.காங்க்ரிட் கூரைப் போட்ட வீடு மேற்கோப்பு வகையறாவும், ஷை வீட்டில் இணைக்கப்பட்டிருக்கிற எஸ்.சி.A.364 நிர் மின் இணைப்பு வகையறாவும், ஷை வீட்டில் அமைக்கப்பட்டுள்ள பிளசவுட் லெட்ரின் 1ம் மற்றும் அதைச் சார்ந்த சகல பாத்தியங்களும் ஆக மொத்த விவரம் சரி.

**Chief Judicial Magistrate,
Thoothukudi.**

**Chief Judicial Magistrate Court,
Thoothukudi
Crl.M.P. No.786/2026
Order
Dated: 15.05.2026**