

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

Present: Smt. Priyanka.S, Chief Judicial Magistrate

Dated this the, 8th day of April, 2026**M.C. No.176/2025**

Petitioner : Indian Bank, Chengannur Branch, Alleppey District
represented by its Authorized Officer under the
SARFAESI Act & Chief Manager of the Zonal Office
of Indian Bank, Ernakulam.

(by Adv.P.K.Mathew)

Vs.

Respondents : 1. Jessy Mathew (Borrower & Mortgager)
Pullamkandathil, Cheriyanad.P.O
Chengannur, Alappuzha-689 511.

2. Baiju Mathew (Co-Borrower)
Pullamkandathil, Cheriyanad.P.O
Chengannur, Alappuzha-689 511.

This case came-up on this day for consideration, the court passed the
following:-

ORDER

This application has been filed u/s. 14(1) of the Securitisation and
Reconstruction of Financial Assets and Enforcement of Security interest Act 2002
(SARFAESI Act 2002).

2. The petitioner is the Indian Bank, who is the secured creditor and respondents are
the borrower who are the secured debtors. The respondents have created a security interest in
respect of the scheduled property which is the secured asset in favour of the petitioner in
respect of a loan availed from the petitioner by the respondents as per a security agreement.
Repayment was defaulted and the account was classified as Non Performing Asset. So, the
petitioner has issued notice u/s.13(2) of the Act to the respondents. But even after receiving
the statutory notice u/s.13(2) of the Act, they did not pay the loan amount within the
statutory period. So, the petitioner has sought for taking possession of the secured asset for
realization of the amount due to the petitioner's bank.

3. Authorized officer of the petitioner bank has filed affidavit in compliance of Sec.14
of the Act. The affidavit and documents produced would show that the respondents have
created security interest in respect of the secured asset in favour of the petitioner at the time of
availing loan from the petitioner's bank and has failed in repaying the amount even after
receipt of statutory notice u/s.13(2) of the Act. Hence it was found that the petitioner is
entitled for possession of the secured asset which is the scheduled property through the
proceedings of this court. Hence a direction was given to hand over the petition schedule
property which is a secured asset as prayed for.

4. On 28.02.2025, Adv. **Miziriya N** was appointed as commissioner to take possession of the scheduled property after giving 15 days notice and to hand it over to the petitioner on proper acknowledgment.

5. The order would read as follows:-

- i. Respondents are directed to hand over the possession of secured asset described in the petition schedule, to the petitioner.
- ii. Adv. **Miziriya N** is appointed as commissioner to take possession of the scheduled property after giving 15 days notice and hand it over to the petitioner on proper acknowledgment. The petitioner shall pay batta of Rs.10,000/- to the commissioner within 7 days from today and file memo.
- iii. The petitioner shall provide a copy of the petition including the schedule of secured asset to the advocate commissioner for executing the order.
- iv. The Station House Officer of the Police Station in which the petition schedule property situates shall give necessary assistance to the commissioner if so required.
- v. The advocate commissioner is at liberty to break open any building in the secured asset or any building in which the secured asset is found, if it is absolutely necessary for taking possession.
- vi. The Advocate commissioner shall file report before this court after taking and handing over possession to the petitioner bank without delay.
- vii. If the petitioner bank does not co-operate to take possession of the property, the Commissioner shall report the same to this court without delay.

6. Today petitioner represented.

7. Advocate commissioner filed interim report. Possession has not been taken. The order in MC is dated 28.02.2025.

In these circumstances, **MC is closed.**

Pronounced in open court on this 8th day of April, 2026

Sd/-

**Chief Judicial Magistrate.
Alappuzha**

//True copy//

**Chief Judicial Magistrate.
Alappuzha**