

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

Present: Smt. Priyanka.S, Chief Judicial Magistrate

Dated this the, 6th day of June, 2026**CMP.1/2026 in M.C. No.462/2025**

- Petitioner : PNB Housing Finance Limited, A Non-Banking Finance Company incorporated under the Companies Act 1956, having its Registered Office at 9th Floor, Antriksh Bhavan, 22 Kasturba Gandhi Marg, New Delhi – 110001, having its Office at Cochin is represented by Ajith.K.P, aged-33 years, S/o. Velayudan, Authorized Officer & Collection Manger, PNB Housing Finance Limited, 48/559C, 1st Floor, R.P.Arcade, Near Gold Souk Mall, Ponnurunni, Vyttila, Ernakulam-682019.
(by Adv. Paulochan Antony.P)
- Vs.
- Respondents : 1. Purushothaman.P.K, S/o. Kumaran, Palathan Parambu, Kayipuram, Muhamma.P.O, Alappuzha, Kerala- 688 525.
2. Biju.P.M, C/o. Purushothaman.P.K, Palathan Parambu, Kayipuram, Muhamma.P.O, Alappuzha, Kerala- 688 525.
Also at:- Biju.P.M, C/o. Purushothaman.P.K, Indian Time and Mobiles, Palm Fibre India Private Limited 5/443, Near KSRTC Bus Stand,V, Cherthala.P.O, Cherthala, Alappuzha Kerala – 688 524.
3. Indian Times and Mobiles, Indian Time and Mobiles, Palm Fibre India Private Limited 5/443, Near KSRTC Bus Stand,V, Cherthala.P.O, Cherthala, Alappuzha Kerala – 688 524.

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

ORDER

This petition has been filed by the petitioner for revival of the original MC. The original MC was filed u/s.14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act seeking assistance of the Court to take

possession of the asset stated in the MC. MC was closed on 04.05.2026. Now the petitioner has come up with the above application seeking assistance of the Court to take possession of the secured asset.

Heard and perused the records.

It is mentioned in the petition that the above MC was posted on 04.05.2026 for filing commission report. But unfortunately, the physical possession of the secured asset could not be taken within the pendency of the MC. Resultantly, on 04.05.2026 this Court dismissed the aforesaid case for default and passed an order of dismissal of the above MC. There were no willful latches or negligence from the petitioner to take vacant possession of the secured asset. The physical possession of the secured asset was initially scheduled to 19.03.2026, since the election was proclaimed, the police personals were not available. Without the assistance of the police, the possession could not be taken. Hence, the scheduled possession could not be made possible on the scheduled date. Thereafter, the Advocate Commissioner re-scheduled the date to 10.05.2026. But unfortunately, the Court closed the above numbered MC on 04.05.2026. That is the reason behind the non-execution of the order passed by this Court within the stipulated time. It is prayed that the MC may be revived.

On going through the proceedings, it is seen that the order in MC was passed on 05.07.2025 and MC was closed on 04.05.2026.

The order dated 05.07.2025 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. **Vishnupriya S** 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.

The order dated 04.05.2026 would read as follows: "Petitioner represented. No representation for Advocate commissioner. Interim report not filed. Possession has not been taken. The order in MC is dated 05.07.2025. In these circumstances, **MC is closed**".

It is seen that opportunities were given to file commission report. Since order in MC was passed on 05.07.2025 and possession as ordered was not taken, the MC was closed. In these circumstances, there is no justifiable ground to revive the MC. Moreover, the prayer for revival is not contemplated under SARFAESI proceedings. The prayer is only to be refused.

In the result, **Criminal MP stands dismissed.**

Pronounced in open court on this 6th day of June, 2026

Sd/-

Chief Judicial Magistrate.

Alappuzha

//True Copy//

Chief Judicial Magistrate.

Alappuzha