IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

Present : Thiru.K.Inbakarthick B.A., L.LM.,

Chief Judicial Magistrate,

Friday, the 05th day of June 2026

Crl.M.P.No.915 of 2026

(C.N.R.No.TNDG03-002285-2026)

TRUHOME FINANCE LIMITED,
(Formerly Shriram Housing Finance Ltd)
Rep., by its Authorized Officer,
Mr.Suman Panchanathan (37/26),
No.16, 1st Floor, Premier Aveon New Railway,
Station Road, Opposite Al Ameen School,
John Selvaraj Nagar, Kumbakonam,
Thanjavur District - 612 001.

. . . Petitioner.

- Vs -

1. Mrs.S.Aruneswari (31/2026),
   W/o.Selvamurugan,
   No.84/1, Vinayagar Kovil 6th Street,
   Bharathi Nagar 3rd Cross Street,
   Erode District – 638 002.

2. Mr.K.Selvamurugan (46/2026),
   S/o. Karuppaswamy,
   No.84/1, Vinayagar Kovil 6th Street,
   Bharathi Nagar 3rd Cross Street,
   Erode District – 638 002.

. . . Respondents.

This petition has came up before this court for final hearing on 03.06.2026 in the presence of Ms.R.Kasthuri - advocate for the petitioner, upon perusing the case records and having stood over for consideration till this date, this court delivered the following . . .

O R D E R

1. Petition filed under section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, seeking assistance to take possession of the secured asset through an advocate commissioner.

2. Brief facts of the petition averments :-

i. The respondents availed loan of Rs.11,35,000/-{Rupees Eleven Lakhs Thirty Five Thousand only}, from the petitioner bank and executed necessary loan documents including loan

INBAKARTHICK Digitally signed by INBAKARTHICK Date: 2026.06.05 18:38:46 +0530 agreement and registered Memorandum of deposit of title deed dated 08.07.2024 and thereby created security interest in the petition mentioned property, which is the secured asset.

ii. The respondents failed to repay the said loan amount. Hence, the said loan was classified as *No Performing Account* on 07.05.2025. Later, the petitioner bank initiated recovery proceedings and issued demand notice dated 09.05.2025 under section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,{hereinafter referred as SARFAESI Act in short} to the respondents and thereby called upon the respondents to repay the outstanding due of Rs.12,79,716/-{Rupees Twelve Lakhs Seventy Nine Thousand Seven Hundred and Sixteen only}. The demand notice was also published in Tamil daily newspaper Tamizh Murasu and in english daily newspaper Business Standard on 21.05.2025.

iii. On 28.10.2025, the petitioner bank issued possession notice to the respondents and the same was also duly published in a leading Tamil and English daily newspaper on 31.10.2025. Thus, the petitioner duly complied the provisions of SARFAESI Act. The petitioner apprehend that the respondents may resist or obstruct the petitioner from taking physical possession of the secured asset. Therefore, the petitioner bank filed this petition.

3. In the judgment reported in **AIR 2009 Mad 10{Indian Overseas Bank Vs. M/s.Sree Aravindh steels Ltd., and others},** Our Hon'ble High Court categorically held that, notice to respondents / borrowers is unwarranted in a petition filed under section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Hence, no notice was issued to the respondents.

4. Verified the original documents and perused the case records.

6. The point for consideration is, whether the petitioner is entitled for assistance from this court ?

Before getting into the merits of this petition, it is germane to have a look upon the judgment of our Honorable Supreme Court in **M/s.R.D. Jain and Co. Vs. Capital First Ltd and others[Civil Appeal No.175 of 2022 dated 27.07.2022],** which explains the object and scope of section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002{hereinafter referred as SARFAESI Act}. It runs as follows. . .

> *"8. Thus, considering the scheme of theSARFAESI Act, it is explicit and crystal clear that possession of the secured assets can be taken by the secured creditor before confirmation of sale of the secured assets as well as post confirmation of sale. For taking possession of the secured assets, it could be done by the "authorised officer" of the Bank as noted in Rule 8 of the Security Interest (Enforcement) Rules, 2002.*

8.1 However, for taking physical possession of the secured assets in terms of Section 14(1) of the SARFAESI Act, the secured creditor is obliged to approach the CMM/DM by way of a written application requesting for taking possession of the secured assets and documents relating thereto and for being forwarded to it (secured creditor) for further action. The statutory obligation enjoined upon the CMM/DM is to immediately move into action after receipt of a written application under Section 14(1) of the SARFAESI Act from the secured creditor for that purpose. As soon as such an application is received, the CMM/DM is expected to pass an order after verification of compliance of all formalities by the secured creditor referred to in the proviso in Section 14(1)of the SARFAESI Act and after being satisfied in that regard, to take possession of the secured assets and documents relating thereto and to forward the same to the secured creditor at the earliest opportunity. As mandated by Section 14 of the SARFAESI Act, the CMM/DM has to act within the stipulated time limit and pass a suitable order for the purpose of taking possession of the secured assets within a period of 30 days from the date of application which can be extended for such further period but not exceeding in the aggregate, sixty days. Thus, the powers exercised by the CMM/DM is a ministerial act. He cannot brook delay. Time is of the essence. This is the spirit of the special enactment. As observed and held by this Court in the case of NKGSB Cooperative Bank Ltd.(supra), the step taken by the CMM/DM while taking possession of the secured assets and documents relating thereto is a ministerial step. It could be taken by the CMM/DM himself/herself or through any officer subordinate to him/her, including the advocate commissioner who is considered as an officer of his/her court. Section 14does not oblige the CMM/DM to go personally and take possession of the secured assets and documents relating thereto. Thus, we reiterate that the step to be taken by the CMM/DM under Section 14of the SARFAESI Act, is a ministerial step. While disposing of the application under Section 14of the SARFAESI Act, no element of quasi-judicial function or application of mind would require. The Magistrate has to adjudicate and decide the correctness of the information given in the application and nothing more. Therefore,Section 14does not involve an adjudicatory process qua points raised by the borrower against the secured creditor taking possession of secured assets.”

7. In the judgment reported in **AIR 2009 Mad 10{Indian Overseas Bank Vs. M/s.Sree Aravindh steels Ltd., and others},** Our Hon’ble High Court followed the decision of the Division Bench of Hon’ble Bombay High Court reported in **2007 CrLJ 2544{Trade Well, a proprietorship**

firm and Mr.Suniel K.Mehta, Proprietor of Trade Well Vs. Indian Bank and the State of Maharastra}. Wherein it was held as follows. . .

> *85. In our opinion, at the time of passing order under section 14 of the NPA Act, the CMM/DM will have to consider only two aspects. He must find out whether the secured asset falls within his territorial jurisdiction and whether notice under section 13(2) of NPA Act is given or not. No adjudication of any kind is contemplated at that stage.*

8. In view of the said proposition, it is understandable that this court has to adjudicate and decide the correctness of the information given in the petition and ascertain the proper compliance of statutory mandates and nothing more than that. With that principle in mind, let us decide this petition.

9. In support of the case of petitioner bank, the petitioner bank produced the sworn affidavit of the authorized officer of the petitioner bank along with copy of copy of Appointing of Authorized officer dated 06.02.2026, copy of scheme of Amalgamation from Shriram Housing Finance Limited to Truhome Finance Limited dated 20.12.2024, copy of Gazette Notification dated 18.12.2025, copy of Certificate of Registration dated 08.01.2025, copy of loan application dated 25.03.2024, copy of loan sanction letter dated 03.04.2024, copy of registered loan agreement dated 31.03.2024, copy of registered dhana settlement deed dated 16.03.2020, copy of registered memorandum of deposit of title deeds dated 08.07.2024, copy of Encumbrance Certificate dated 10.03.2026, copy of demand notice dated 09.05.2025 along with receipts, copy of return cover dated 22.05.2025, copy of demand notice published in tamil daily newspaper Tamizh Murasu dated 21.05.2025, copy of demand notice published in english daily newspaper Business Standard dated 21.05.2025, copy of possession notice dated 28.10.2025 along with receipts, copy of return cover dated 10.11.2025, copy of possession notice published in tamil daily newspaper Tamizh Murasu dated 31.10.2025, copy of possession notice published in english daily newspaper Business Standard dated 21.10.2025, copy of statements of accounts dated 12.12.2025 and copy of Foreclosure statements and The original of the said documents were produced for verification. After verification, the original documents were returned to the authorized officer of petitioner bank.

10. The petitioner bank is a secured creditor as defined in section 2(zd) of SARFAESI Act. The secured asset for the loan obtained by the respondents i.e., the petition mentioned property is situated within the jurisdiction of this court. On conjoint reading of the sworn affidavit of the authorized officer of the petitioner bank along with the contents of the documents produced, it is evident that the averments in the petition are correct and the petitioner bank has duly complied the provisions of SARFAESI Act. Therefore, this court holds that the secured creditor i.e., petitioner bank is entitled to get the assistance of this court for taking physical possession of secured asset i.e., the petition mentioned property under Section 14(1) of the SARFAESI Act, 2002. As per section 14(1A) of SARFAESI Act, this court is inclined to appoint an advocate as court commissioner for taking physical possession of the secured asset and hand over the same to petitioner immediately.

11. In result, this petition is allowed as follows.

i. Advocate **Mr.J.Pandia Rajan, B.Sc.,L.L.B., {Enrollment No.3737/2022, Mobile No.9894373352}** is hereby appointed as Court Commissioner. The learned Commissioner is directed to inspect the petition mentioned property, take inventories, take physical possession and immediately hand over the physical possession of the petition mentioned property to the petitioner / secured creditor.

ii. The Inspector of police, **Koombur Police station** and concerned revenue officials are directed to provide suitable assistance to the learned Commissioner in executing the warrant.

iii. The learned Commissioner may break open any locks of the petition mentioned property, if the same is necessary for handing over the physical possession of the petition mentioned property to the petitioner / secured creditor.

iv. A sum of Rs.25,000/-{Rupees Twenty Five Thousand only} is fixed as remuneration for the learned Commissioner which shall be paid directly to the Commissioner and the Commissioner has to file a memo acknowledging the receipt of the same along with the report. The learned commissioner is directed to file report within a month.

Dictated to the steno-typist, directly typed by her in my laptop, printout taken, corrected and pronounced by me in open court dated this the 05th day of June, 2026.

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Chief Judicial Magistrate,
Dindigul.

Petitioner side documents :-

1. Copy of Appointing of Authorized officer dated 06.02.2026.
2. Copy of scheme of Amalgamation from Shriram Housing Finance Limited to Truhome Finance Limited dated 20.12.2024
3. Copy of Gazette Notification dated 18.12.2025

4. Copy of Certificate of Registration dated 08.01.2025
5. Copy of loan application dated 25.03.2024
6. Copy of loan sanction letter dated 03.04.2024
7. Copy of registered loan agreement dated 31.03.2024
8. Copy of registered dhana settlement deed dated 16.03.2020
9. Copy of registered memorandum of deposit of title deeds dated 08.07.2024
10. Copy of Encumbrance Certificate dated 10.03.2026
11. Copy of demand notice dated 09.05.2025 along with receipts
12. Copy of return cover dated 22.05.2025
13. Copy of demand notice published in tamil daily newspaper Tamizh Murasu dated 21.05.2025
14. Copy of demand notice published in english daily newspaper Business Standard dated 21.05.2025
15. Copy of possession notice dated 28.10.2025 along with receipts
16. Copy of return cover dated 10.11.2025
17. Copy of possession notice published in tamil daily newspaper Tamizh Murasu dated 31.10.2025
18. Copy of possession notice published in english daily newspaper Business Standard dated 21.10.2025
19. Copy of statements of accounts dated 12.12.2025.
20. Copy of Foreclosure statements

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