

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

Present: Tmt.V. Deepa, M.L.,
Chief Judicial Magistrate, Dindigul.

Dated 20th day of April 2026.

Cr.M.P.No. 760/2026
CNR.No. TNDG030017452026.



Axis Bank Ltd.,
Represented by its Authorized Officer Mr. Gladson K,
Pattu Arcade 1st Floor, Opp. World of Titan,
Bye-pass Road, Ramnagar, KFC Upstairs,
Madurai - 625 010.

...Petitioner

//VS//

1. Mr. P. Sahaya John Peter,
S/o. Pitchaimuthu,
No. 433/D, 13th Street, Begambur,
Mettupatty, Dindigul - 624 002.

2. Mrs.P. Sovariammal,
S/o. Pitchaimuthu,
No. 433/D, 13th Street, Begambur,
Mettupatty, Dindigul - 624 002.

...Respondents

ORDER

1. Heard, the Petitioner filed this application U/s. 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act) 2002 seeking assistance of this court to take possession of Secured Asset. The Petitioner filed an affidavit that the respondents availed a Loan for a sum of Rs.9,00,000/- from petitioner's Bank on 23.01.2013 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 23.04.2013. The loan became non performing assets on 13.09.2021. Therefore, the respondents were served with Demand Notice Dated: 12.08.2022, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 28.11.2025 the total claim amount is

Rs.6,51,533.00/- (Ex. P15). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P15 marked.

2. SCHEDULE OF PROPERTIES.

All the part and parcel, Dindigul District, Nagalnaickenpatti sub registration Office, Dindigul Taluk, Adiyanoothu Village, R.S.No. 148/1B, a portion of 33 ½ Cent divided into housing plots in which the portion of 1320 sq.ft within the following Bounded on the:

North by : Property of Kailasam,
East by : R.S.No. 148/1B of Arokiyasamy,
West by : Property of Daisy Chitra Rani R.S.No. 148/1B,
South by : 10 ft Common Pathway.

Admeasuring on the North 30ft, South 308, East 45ft, West 43ft totaling to 1320 Sq.Ft and all appurtenances.

3. As per the under section 14 (3) of SARFAESI Act, the CMM or DM Magistrates perform only the ministerial functions. For reference the same is extracted below:

“No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority”

4. In this Juncture the following rulings taken into consideration and followed.

(i) *Techno Builders and Ors //VS// Canara Bank and ors (MANU/TN/9525/2019) Hon’ble High Court of Madras.*

(ii) *Standard Chartered Bank – Vs – Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97.*

Therefore, services of any notice to the borrower is not contemplated in Section 14 of the Act. On hearing of petitioner side and careful perusal of the petition, affidavit and documents this court is of a view to appoint an Advocate Commissioner for taking possession of the petition mentioned property, without sending any notices to the respondents.

5. In fine, the petition is allowed and Advocate Ms.S. Swathi, Enrollment No. MS 5183/2025 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner's remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Report by 20.05.2026.

Dictated by me, directly to the Steno-typist and typed by her in computer and after rectification taken printout and pronounced by me in Open Court on this 20th day of April 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr. Gladson K.

2) No.of Exhibits marked on the side of the Petitioner:-

Sl.No.	Date	Description of Document	Remark
1.	26.08.2024	POA in the name of Authorized Officer	Attested true copy
2.	23.01.2013	Loan Sanction Letter	Attested true copy
3.	22.04.2013	Loan Agreement executed by respondent with Demand Promissory Note	Attested true copy
4.	04.02.2013	Settlement Deed, Document No. 481/2013	Attested true copy
5.	23.04.2013	Memorandum of Agreement evidencing Deposit of Title Deeds	Attested true copy
6.	09.02.2026	Encumbrance Certificate	Attested true copy
7.	12.08.2022	Demand Notice sent to the respondents U/s. 13 (2) of the SARFAESI Act.	Attested true copy
8.	18.08.2022	Returned Cover (4 Nots)	Attested true copy
9.	15.05.2023	Possession Notice sent to the respondents under section U/s.13(4) of the SARFAESI Act.	Attested true copy

10.	25.05.2023	Acknowledgment Cards (2 Nos)	Attested true copy
11.	17.11.2022	13(2) Paper Publication in Tamil Daily	Attested true copy
12.	17.11.2022	13(2) Paper Publication in English Daily	Attested true copy
13.	09.05.2023	13(4) Paper Publication in Tamil Daily	Attested true copy
14.	09.05.2023	13(4) Paper Publication in English Daily	Attested true copy
15.	28.11.2025	Statements of Accounts	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 760/2026

Date: 20.04.2026

Order pronounced in open Court.

In the result, Advocate Ms.S. Swathi, Enrollment No. MS 5183/2025 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner's remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Report by 20.05.2026.

Chief Judicial Magistrate,
Dindigul.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

Present: Tmt.V. Deepa, M.L.,
Chief Judicial Magistrate, Dindigul.

Dated 20th day of April 2026.

Cr.M.P.No. 760/2026
CNR.No. TNDG030017452026.



Axis Bank Ltd.,
Represented by its Authorized Officer Mr. Gladson K,
Pattu Arcade 1st Floor, Opp. World of Titan,
Bye-pass Road, Ramnagar, KFC Upstairs,
Madurai - 625 010.

...Petitioner

//VS//

1. Mr. P. Sahaya John Peter,
S/o. Pitchaimuthu,
No. 433/D, 13th Street, Begambur,
Mettupatty, Dindigul - 624 002.

2. Mrs.P. Sovariammal,
S/o. Pitchaimuthu,
No. 433/D, 13th Street, Begambur,
Mettupatty, Dindigul - 624 002.

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 760/2026 that a Commission should be issued. Hence Advocate Ms.S. Swathi, Enrollment No. MS 5183/2025 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner's remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Propose to compel the attendance before you of any witnesses for the production of any documents, whom of which you may desire to

examine or inspect will be issued by any Court having jurisdiction or your application.

A sum of Rs.25,000/- fixed for Advocate / Commissioner's fee, has been paid directly by the petitioner/Secured creditor. The Commissioner is hereby directed to receive the commission fee and file his report on or before 20.05.2026.

Given under my hand and the seal of this Court on the 20th day of April 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

All the part and parcel, Dindigul District, Nagalnaickenpatti sub registration Office, Dindigul Taluk, Adiyanoothu Village, R.S.No. 148/1B, a portion of 33 ½ Cent divided into housing plots in which the portion of 1320 sq.ft within the following Bounded on the:

North by : Property of Kailasam,
East by : R.S.No. 148/1B of Arokiyasamy,
West by : Property of Daisy Chitra Rani R.S.No. 148/1B,
South by : 10 ft Common Pathway.

Admeasuring on the North 30ft, South 308, East 45ft, West 43ft totaling to 1320 Sq.Ft and all appurtenances.

Chief Judicial Magistrate,
Dindigul.

To

1. Ms.S. Swathi, Advocate/Commissioner,
Enrollment No. MS 5183/2025, Dindigul.
2. The File.