

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 18th day of March 2026.

Cr.M.P.No. 356/2026
CNR.No. TNDG030058302025.



M/s. JANA SMALL FINANCE BANK LIMITED
(Formerly known as Janalakshmi Financial Services Limited)
A Company incorporated under the Provisions of
Companies Act, 1956 Having branch office at,
The Fairway Business Park, No. 10/1, 11/2, 12/2B,
Off Domilr, Koramangala Inner
Ring Road, Next to EGL, Challaghatta,
Bangalore – 560 071 and Branch Office At No. 10,
Krishnapuram Colony main Road, Mahatma
Gandhi Nagar, Madurai – 625 014.
Represented by its Authorized officer Mr. Nirmal Raj.

...Petitioner

//VS//

1. Mr. Sheik Dawood (aged about 40 years),
S/o. Mohamed Kasim,
D.No. 1/178, West Garden,
Lakshmipuram, Siluvathur - Via
Rajakkapatti, Dindigul - 624 306.
2. Mrs. Benashirbegam (aged about 36 years),
W/o. Sheik Dawood,
D.No. 1/178, West Garden,
Lakshmipuram, Siluvathur - Via
Rajakkapatti, Dindigul - 624 306.

...Respondents

ORDER

1. Heard, the Petitioner filed this application U/s. 14 of Securitization and Reconstruction of Financial Assests 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.29,90,582/- from petitioner's Bank on 30.04.2022 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 06.05.2022. The loan became non performing assets on 03.03.2025. Therefore, the respondents were served with Demand Notice Dated: 13.03.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 12.03.2025 the total claim amount is Rs.28,67,297.81/- (Ex. P12). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P16 marked.

2. SCHEDULE OF PROPERTIES

In Dindigul Registration District, Sanarpatti Sub Registration District, Dindigul East Taluk, Rajakapatti Village, 1st Thakku in Old S.No.349/1J, New S.No.349/1J1 measuring East West 46.5 feet on northern side, 48.5 feet on Southern Side, North South 39 feet on Eastern side, 34.5 feet on Western side in all measuring 1739 sq.ft., 2nd Thakku measuring East West 45 feet on both sides, North South 9.84 feet on both sides in all measuring 442 sq.ft., measuring 2180 sq.ft., bounded on:

Boundaries :-

North	:	Land belongs to Thempadi, Perumal,
East	:	Road, Plot belongs to Chinnakalai,
West	:	Land belongs to Muthan,
South	:	Land belongs to Bommanan, Alagar.

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 Mr.C. Pandithurai, Enrollment No. MS 2302/2007 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 18.04.2026.

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 18th day of March 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr. Nirmal Raj.

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

Sl.No.	Date	Description of Document	Remark
1.	31.03.2025	Authorization Letter	Attested true copy

2.	19.04.2022	Loan Application	Attested true copy
3.	30.04.2025	Sanction Letter	Attested true copy
4.	30.04.2025	Loan Agreement	Attested true copy
5.	15.12.2021	Sale Deed registered as Document NO. 3819 of 2021 in the office of the Sub Registrar, Sanarpatti	Attested true copy
6.	06.05.2022	Memorandum of Deposits of title Deeds registered as document No. 1542 of 2022 in the office of the Sub Registrar, Sanarpatti.	Attested true copy
7.	13.03.2025	Demand Notice U/s. 13[2] of SARFAESI Act along with Postal Receipts	Attested true copy
8.	19.05.2025	Paper Publication of the Sec 13[3] Notice in “Times of India” (English Daily) and Hindu (Tamil Daily – Vernacular Language)	Attested true copy
9.	23.05.2025	Possession Notice along with Postal Receipts and Acknowledgment Cards	Attested true copy
10.	23.05.2025	13(4) Pasting Photos	Attested true copy
11.	28.05.2025	Paper Publication of the Sec 13[4] Notice in “Times of India” (English Daily) and Hindu (Tamil Daily – Vernacular Language)	Attested true copy
12.	21.06.2025	Statement of Accounts	Attested true copy
13.	30.06.2025	Encumbrance Certificate	Attested true copy
14.	29.01.2018	Incorporation Certificate	Attested true copy
15.	13.05.2022	CERSAI Certificate	Attested true copy
16.	05.08.2016	Gazette	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 356/2026

Date: 18.03.2026.

Order pronounced in open Court.

In the result, Advocate Mr.C. Pandithurai, Enrollment No. MS 2302/2007 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 18.04.2026.

Chief Judicial Magistrate,
Dindigul.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 18th day of March 2026.

Cr.M.P.No. 356/2026
CNR.No. TNDG030058302025.



M/s. JANA SMALL FINANCE BANK LIMITED
(Formerly known as Janalakshmi Financial Services Limited)
A Company incorporated under the Provisions of
Companies Act, 1956 Having branch office at,
The Fairway Business Park, No. 10/1, 11/2, 12/2B,
Off Domilr, Koramangala Inner
Ring Road, Next to EGL, Challaghatta,
Bangalore – 560 071 and Branch Office At No. 10,
Krishnapuram Colony main Road, Mahatma
Gandhi Nagar, Madurai – 625 014.
Represented by its Authorized officer Mr. Nirmal Raj.

...Petitioner

//VS//

1. Mr. Sheik Dawood (aged about 40 years),
S/o. Mohamed Kasim,
D.No. 1/178, West Garden,
Lakshmipuram, Siluvathur - Via
Rajakkapatti, Dindigul - 624 306.

2. Mrs. Benashirbegam (aged about 36 years),
W/o. Sheik Dawood,
D.No. 1/178, West Garden,
Lakshmipuram, Siluvathur - Via
Rajakkapatti, Dindigul - 624 306.

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 356/2026 that a Commission should be issued. Hence Advocate Mr.C. Pandithurai, Enrollment No. MS 2302/2007 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 18.04.2026.

Given under my hand and the seal of this Court on the 18th day of March 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

In Dindigul Registration District, Sanarpatti Sub Registration District, Dindigul East Taluk, Rajakapatti Village, 1st Thakku in Old S.No.349/1J, New S.No.349/1J1 measuring East West 46.5 feet on northern side, 48.5 feet on Southern Side, North South 39 feet on Eastern side, 34.5 feet on Western side in all measuring 1739 sq.ft., 2nd Thakku measuring East West 45 feet on both sides, North South 9.84 feet on both sides in all measuring 442 sq.ft., measuring 2180 sq.ft., bounded on:

Boundaries :-

North	:	Land belongs to Thempadi, Perumal,
East	:	Road, Plot belongs to Chinnakalai,
West	:	Land belongs to Muthan,
South	:	Land belongs to Bommanan, Alagar.

Chief Judicial Magistrate,
Dindigul.

To

1. Mr.C. Pandithurai, Advocate/Commissioner,
Enrollment No. MS 2302/2007, Dindigul.
2. The File.