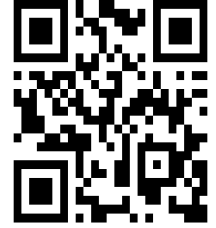


IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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



Dated 25th day of November 2025.

Cr.M.P.No. 3285/2025
CNR.No. TNDG030080582025.

Mahindra Rural Housing Finance Limited,
(Through its authorized
Officer – MR.T. SATHISH KUMAR,
Territory Manager,
D.No. 9/8 First & Scond Floor,
Sakthi Estates, 3rd Street,
MG Road, Avarmpalayam,
Coimbatore – 641 006.

...Petitioner

//VS//

1. Mr.V. Muthusamy (Aged 70 years),
S/o. Veeran,
No. 4/124A Thonampatti,
Villiyakottai Vendasandur,
Dindigul District – 6246703.
2. Mr.M. Muthammal (Aged 65 years),
W/o. Muthusamy,
No. 4/124A Thonampatti,
Villiyakottai Vendasandur,
Dindigul District – 6246703.
3. Mrs.T. Kavitha (Aged 44 years),
W/o. Thangapandi,
No. 4/124A Thonampatti,
Villiyakottai Vendasandur,
Dindigul District – 6246703.
4. Mr.M. Thangapandi (Aged 47 years)
S/o. Muthusamy,
No. 4/124A Thonampatti,
Villiyakottai Vendasandur,
Dindigul District – 6246703.

5. M. Palanival (Aged 36 years),
S/o. Manickam,
Villiyakottai Vedasandur,
Dindigul District – 6246703.

...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.1,60,000/- from petitioner's Bank on 25.02.2020 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 28.02.2020. The loan became non performing assets on 02.01.2024. Therefore, the respondents were served with Demand Notice Dated: 09.01.2024, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 04.07.2024 the total claim amount is Rs.2,05,140.05/- (Ex. P13). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P13 marked.

2. SCHEDULE OF PROPERTIES.

THE PROPERTY BELONGS TO MR. Muthusamy

Palani Registration District Kujiliamparai Sub – Registration District Kujiliamparai Taluk Ulliyakottai Village Survey No. 799/1A boundaries as follows :-

As per Documents

On the North	-	Muthagoundar land
On the South	-	Kulam Purampokku land
On the East	-	Chanthiran and other land
On the West	-	Muthugoundar land

As per Actual

On the North	-	Muthagoundar land
On the South	-	Pathway
On the East	-	Chanthiran and other land

On the West - Muthugoundar land

Measuring :

East West Both side 33 Feet South North Both side 26.5 Feet

Totalling 874.5 Square feet (81.27 Square Meter) vacant land in the property location at Ulliyakottai Panchayat limit and mamool passage rights also.

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.J. Sathishkumar, Enrollment No. MS 2951/2014 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 26.12.2025.

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 25th day of November 2025.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:

PW. 1 MR.T. SATHISH KUMAR.

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

Sl.No.	Date	Description of Document	Remark
1.	19.04.2024	Authorized Letter	Attested true copy
2.	13.02.2020	Loan Application	Attested true copy
3.	26.02.2020	Sanction Letter	Attested true copy
4.	29.02.2020	Loan Agreement executed by in favour of Mr. Muthusamy	Attested true copy
5.	08.06.2007	Thana Settlement executed by in favour of Mr. Muthusamy	Attested true copy
6.	28.02.2020	Memorandum of Title Deed executed by Mr. Muthusamy of Mahindra Rural Housing Finance Limited.	Attested true copy
7.	09.01.2024	Demand Notice issued under section 13(2) of the SARFAESI Act to Respondent	Attested true copy
8.		13(2) Postal Tracking of signed by the all Respondent	Attested true copy
9.	20.02.2025	Possession Notice issued 13(4) of the SARFAESI Act to respondents	Attested true copy
10.		13(4) Acknowledgement Card of signed by the all Respondent	Attested true copy
11.	26.02.2025	Possession Notice Paper Publicaiton Tamil and English	Attested true copy
12.	16.10.2025	Encumbrance Certificate	Attested true copy
13.	18.02.2020 to 05.10.2025	Account Statement	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 3285/2025

Date: 25.11.2025

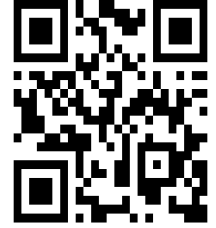
Order pronounced in open Court.

In the result, Advocate Mr.J. Sathishkumar, Enrollment No. MS 2951/2014 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 26.12.2025.

Chief Judicial Magistrate,
Dindigul.

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Dindigul District – 6246703.

5. M. Palanival (Aged 36 years),
S/o. Manickam,
Villiyakottai Vendasandur,
Dindigul District – 6246703.

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this Crl.M.P.No. 3285/2025 that a Commission should be issued. Hence Advocate Mr.J. Sathishkumar, Enrollment No. MS 2951/2014 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 26.12.2025.

Given under my hand and the seal of this Court on the 25th day of November 2025.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

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Chief Judicial Magistrate,
Dindigul.

To

1. Mr.J. Sathishkumar, Advocate/Commissioner,
Enrollment No. MS 2951/2014, Dindigul.
2. The File.