

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 26th day of February 2026.

Cr.M.P.No. 228/2026.
CNR.No. TNDG030093872025.



Mr.R. Jeyaram,
Authorized officer,
Repco home Finance Ltd.,
Dindigul Branch,
Dindigul District.

...Petitioner

//VS//

1. Mrs.J. Packiyam,
W/o. Mr. Jeyaraj,
D.No. 4/74-A, East Street,
Theppathupatti, Nilakottai,
Rengappanaickenpatti,
Dindigul District - 624 220.

2. Mr. Deventhiran,
S/o. Mr. Jeyaraj,
D.No. 4/74-A, East Street,
Theppathupatti, Nilakottai,
Rengappanaickenpatti,
Dindigul District - 624 220.

3. Mr.O. Jeyaraj,
S/o. Ondiveeratavar,
D.No.4/74-A, East Street,
Theppathupatti, Nilakottai,
Rengappanaickenpatti,
Dindigul District- 624 220.

...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.10,04,384/- from petitioner's Bank on 12.08.2022 by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 17.08.2022. The loan became non performing assets on 30.12.2019. Therefore, the respondents were served with Demand Notice Dated: 26.05.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 31.11.2025 the total claim amount is Rs.10,66,689/- (Ex. P13). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P14 marked.

2. SCHEDULE OF PROPERTIES

All the piece and parcel of land together with building situated at Dindigul Registration District, Vathalagundu Sub-Registration District, Dindigul District, Nilakottai Taluk, Rengappanaickenpatti Village, Theppathupatti, comprised in Natham Survey No.182/2, Theppathupatti Theppatheru, is bounded as follows;

East by : S. Prakash house,
West by : O. Rajangam land,
North by : East West Pathway
South by : Bose land

Admeasuring:

East to West : 24 feet

South to North : 36 4 feet

Totally 870 sq.ft. or 80.86 sq.mtrs.

At present, as per Natham land Register, Manai Patta No.365, the property is comprised in New Survey No.216/1A measuring 0.00.80. The property has got all mamool, pathway and easement rights thereon.

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.S. Muthukumar, Enrollment No. MS 1112/2024 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 26.03.2026.

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 26th day of February 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr.R. Jeyaram.

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

Sl.No.	Date	Description of Document	Remark
1.	20.07.2022	Loan application given by the Respondents	Attested true copy
2.	12.08.2022	Sanction letter issued by the petitioner Bank	Attested true copy
3.	16.08.2022	Loan Agreement executed by the Respondents infavour of petitioner Bank.	Attested true copy
4.	29.12.2020	Settlement deed executed by O. Jeyaraj in favour of J. Packiyam (Doc.No. 4031/2020)	Attested true copy
5.	17.08.2022	Ageement Relating to deposit of Title Deeds executed by the Respondents for a sum of Rs.48,30,000/- (Doc.No. 3812/2022)	Attested true copy
6.	06.06.2025	Authorization Letter given by the Authorized officer	Attested true copy
7.	26.05.2025	Notice U/s. 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security interest Act to the Respondents.	Attested true copy
8.	13.06.2025	Acknowledgment card received by the first Respondents.	Attested true copy
9.	23.10.2025	Possession Notice given by the petitioner Bank.	Attested true copy
10.	28.10.2025	Paper publication given in Tamil Newspaper (Daily Thanthi)	Attested true copy
11.	28.10.2025	Paper publication given in English Newspaper (The New Indian Express)	Attested true copy
12.	04.11.2025	Notice affixed by the petitioner to the Respondents premises.	Attested true copy
13.	--	Statement of Accounts	Attested true copy
14.	--	Encumbrance Certificate	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 228/2026

Date: 26.02.2026.

Order pronounced in open Court.

In the result, Advocate Mr.S. Muthukumar, Enrollment No. MS 1112/2024 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 26.03.2026.

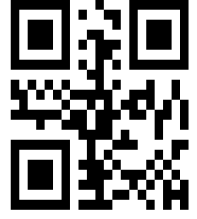
Chief Judicial Magistrate,
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Theppathupatti, Nilakottai,
Rengappanaickenpatti,
Dindigul District- 624 220.

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 228/2026 that a Commission should be issued. Hence Advocate Mr.S. Muthukumar,

Enrollment No. MS 1112/2024 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 26.03.2026.

Given under my hand and the seal of this Court on the 26th day of February 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

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Chief Judicial Magistrate,
Dindigul.

To

1. Mr.S. Muthukumar, Advocate/Commissioner,
Enrollment No. MS 1112/2024, Dindigul.
2. The File.