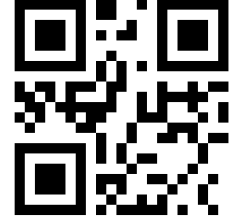


**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL**

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

Dated 17<sup>th</sup> day of March 2026.

Cr.M.P.No. 355/2026  
CNR.No. TNDG030095792025.



M/s HINDUJA HOUSING FINANCE LTD, (HHFL)  
A Company incorporated under the Provisions of  
Companies Act, 2013 Having branch office at,  
Shop No. 4, 1<sup>st</sup> floor, 2<sup>nd</sup> phase,  
TNPK Building, 83 Thadicombu Road,  
Dindigul - 624 001  
Represented by its Authorized officer Mr.Prabakaran S.

...Petitioner

//VS//

1. Mr. Kannan K (aged about 25 years),  
S/o. Kalimuthu  
No.177, Kakkathobu, Kalanampatti Post,  
Agaram, Kaliyammankovil, U Ban,  
Dindigul, Tamil Nadu, India - 624 709.
2. Mrs. Latha K (aged about 45 years),  
W/o. Kalimuthu  
No.177, Kakkathobu, Kalanampatti Post,  
Agaram, Kaliyammankovil, U Ban,  
Dindigul, Tamil Nadu, India - 624 709.
3. Mr. Kalimuthu (aged about 50 years),  
S/o. Palanisamy  
No.177, Kakkathobu, Kalanampatti Post,  
Agaram, Kaliyammankovil, U Ban,  
Dindigul, Tamil Nadu, India - 624 709

...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.10,16,000/- from petitioner's Bank on 21.07.2023 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 08.09.2023. The loan became non performing assets on 03.06.2025. Therefore, the respondents were served with Demand Notice Dated: 14.06.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 17.12.2025 the total claim amount is Rs.9,55,951/- (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

In Dindigul Registration District, Dindigul Joint No.2 Sub Registration District, Dindigul West Taluk, Agaram Village, Old S.No. 2465/2D1, New S.No. 2465/2D1B, measuring 07 ½ cents, along with the RCC building construction in it bearing Door No. 59K in 510 sq.ft, bounded on:

South	:	Punja Land belongs to Thottaya Gounder,
North	:	Property belongs to Ganapathi, East West Cartpathway,
East	:	Property belongs to Alagarsamy,
West	:	Property belongs to Thasan.

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.J. Soniya, Enrollment No. MS 8760/2024 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 17.04.2026.

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 17<sup>th</sup> day of March 2026.

Chief Judicial Magistrate,  
Dindigul.

1) Petitioner side witness:  
PW1 Mr. Prabakaran S.

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

Sl.No.	Date	Description of Document	Remark
1.	25.01.2018	Gazatte	Attested true copy
2.	13.09.2015	NHB Certificate	Attested true copy
3.	28.11.2023	Authorization Letter	Attested true copy
4.	10.07.2022	Loan Application	Attested true copy

5.	21.07.2023	Sanction Letter	Attested true copy
6.	21.07.2023	Loan Agreement	Attested true copy
7.	08.09.2023	Memorandum of Deposits of title Deeds registered as document No. 7026 of 2023 in the office of the Sub Registrar, Dindigul West Taluk	Attested true copy
8.	02.09.2020	Settlement Deed registered as Document No. 4217 of 2020 in the office of the Sub Registrar, Dindigul West Taluk.	Attested true copy
9.	14.06.2025	Demand Notice U/s. 13[2] of SARFAESI Act along with Postal Receipts and Acknowledgment Card.	Attested true copy
10.	29.10.2025	Possession Notice along with Postal Receipts and Online Tracking Consignments.	Attested true copy
11.	29.10.2025	13(4) Pasting Photos	Attested true copy
12.	31.10.2025	Paper Publication of the Sec 13[4] Notice in "Times of India" (English Daily) and Hindu Tamil (Tamil Daily – Vernacular Language)	Attested true copy
13.	17.12.2025	Statement of Accounts	Attested true copy
14.	22.12.2025	Encumbrance Certificate	Attested true copy

Chief Judicial Magistrate,  
Dindigul.

**Cr.M.P.No. 355/2026**

Date: 17.03.2026.

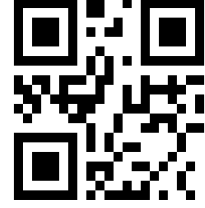
Order pronounced in open Court.

In the result, Advocate Ms.J. Soniya, Enrollment No. MS 8760/2024 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 17.04.2026.

Chief Judicial Magistrate,  
Dindigul.

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL**

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



Dated 17<sup>th</sup> day of March 2026.

Cr.M.P.No. 355/2026  
CNR.No. TNDG030095792025.

M/s HINDUJA HOUSING FINANCE LTD, (HHFL)

A Company incorporated under the Provisions of

Companies Act, 2013 Having branch office at,

Shop No. 4, 1<sup>st</sup> floor, 2<sup>nd</sup> phase,

TNPK Building, 83 Thadicombu Road,

Dindigul - 624 001

Represented by its Authorized officer Mr.Prabakaran S.

...Petitioner

//VS//

1. Mr. Kannan K (aged about 25 years),

S/o. Kalimuthu

No.177, Kakkathobu, Kalanampatti Post,

Agaram, Kaliyammankovil, U Ban,

Dindigul, Tamil Nadu, India - 624 709.

2. Mrs. Latha K (aged about 45 years),

W/o. Kalimuthu

No.177, Kakkathobu, Kalanampatti Post,

Agaram, Kaliyammankovil, U Ban,

Dindigul, Tamil Nadu, India - 624 709.

3. Mr. Kalimuthu (aged about 50 years),

S/o. Palanisamy

No.177, Kakkathobu, Kalanampatti Post,

Agaram, Kaliyammankovil, U Ban,

Dindigul, Tamil Nadu, India - 624 709

...Respondents

**Warrant of Commissioner**

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 355/2026 that a Commission should be issued. Hence Advocate Ms.J. Soniya, Enrollment No. MS 8760/2024 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 17.04.2026.

Given under my hand and the seal of this Court on the 17<sup>th</sup> day of March 2026.

Chief Judicial Magistrate,  
Dindigul.

SCHEDULE OF PROPERTIES

In Dindigul Registration District, Dindigul Joint No.2 Sub Registration District, Dindigul West Taluk, Agaram Village, Old S.No. 2465/2D1, New S.No. 2465/2D1B, measuring 07 ½ cents, along with the RCC building construction in it bearing Door No. 59K in 510 sq.ft, bounded on:

South : Punja Land belongs to Thottaya Gounder,  
North : Property belongs to Ganapathi, East West Cartpathway,  
East : Property belongs to Alagarsamy,  
West : Property belongs to Thasan.

Chief Judicial Magistrate,  
Dindigul.

To

1. Ms.J. Soniya, Advocate/Commissioner,  
Enrollment No. MS 8760/2024, Dindigul.
2. The File.