

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KRISHNAGIRI

Present: Thiru. R.Gokulakrishnan, B.A., B.L.,  
Chief Judicial Magistrate,  
Krishnagiri.

Wednesday, the 9<sup>th</sup> day of April 2025

**Crl.M.P.No.684/2025**  
**CNR.No. TNKI02-001810-2025**

State Bank of India  
Denkanikottai branch  
4/A, 1<sup>st</sup> Floor,  
Mythri Hospital Building  
Denkanikottai 635 107  
Rep by P.Moses Rajendran  
Authorised officer

... Petitioner

..Vs..

1. R Harish  
S/o. Ramappa  
2. R Balaji  
S/o. Ramappa

... Respondents

This petition coming before me for final hearing on 07.04.2025 in the presence of **Tr.V.Sankar** Advocates for petitioner upon perusing the records and this court delivered the following

**ORDER**

The petitioner filed this petition U/s.14 of SARFAESI Act seeking assistance of this court for taking delivery of the secured asset.

On behalf of petitioner's bank its authorized officer by name **Mr.P.Moses Raj** present and filed his sworn affidavit.

The case of the petitioner is that on **21.07.2015** executing a mortgage upon the schedule property, by the borrowers/respondents, the petitioner bank sanctioned **Loan of Rs.18,06,931/-**. The respondents has agreed to repay the same with interest.

But as agreed the respondents has not regularly paid and the respondents are in

due of **Rs.16,64,245/-** as per the Statement of Accounts filed by the petitioner bank as on **07.08.2024** to the petitioner.

Since the respondents failed to make payment towards the loan his loan accounts was classified as Non Performing Asset on **30.10.2023**.

Thereafter by way of **document No.6** the petitioner issued notice calling upon the respondents to make payment. Since the respondents failed to make payment the petitioner took symbolic possession of the schedule property on **04.01.2024** and seeking assistance of this court the petitioner has filed this petition.

Points for consideration:-

Whether the petitioner is entitled to the relief as prayed for by him.

As per **document No.4** the respondents created a mortgage in favour of petitioner.

Hence, the schedule of property became a secured asset as defined under section 2(zc).

Further as mandated under the Act due to non-payment by the respondents the loan account has been classified as Non Performing Asset.

By way of notice dated **30.10.2023** demand was made with respondents for repayment of loan.

Since the respondents has not made any payment steps under section 13 taken by way of affixing notice on property.

From the above discussion this court comes to the conclusion that all the conditions for lending assistance of the court in taking delivery of the secured asset as provided u/s.14 is satisfied.

Hence this court comes to the conclusion that the petitioner is entitled to the relief as prayed by it.

In result, Advocate **Tmt/Selvi.R.Mythili** is appointed as Advocate Commissioner to take possession of scheduled property and hand over the same to the petitioner. Further the Advocate Commissioner is empowered to take assistance of police officials and also revenue officials in Identification of the secured assets and protection for peacefully taking and handing over of possession of the secured asset

to the petitioner by submitting necessary application to the concerned officials and also empowered to exercise the power of breakopen if the situation warrants. The petitioner shall pay a sum of Rs. 20,000/- directly to the Advocate Commissioner towards remuneration within a week. The Advocate Commissioner on filling a memo of receipt of remuneration from the petitioner, the warrant is ordered to be issued.

Accordingly this petition is allowed.

Advocate Commissioner report call on 24.04.2025.

This order has been dictated by me to the Steno-typist, typed by him directly computer, corrected and pronounced by me in the open court on this the 9<sup>th</sup> day of April 2025.

Chief Judicial Magistrate,  
Krishnagiri.

**Encl.:-** Schedule of Property

### **Schedule of Property**

In Thandarai village of Denkanikottai Taluk and attached to Denkanikottai Sub Registration District and Krishnagiri Registration District of Krishnagiri District.

The house site, bearing Survey No.805/1A1B Ext. hec 0.01.5 (or Ac.0.04 cents) or 1744 Square feet, together with RCC terraced building being constructed thereon and all situated within the following boundaries

East : 10 ft wide road

West : Land belongs to Krishnappa

North : 8 feet road & Land belonging to Neelama

South : Land belonging to Sampanagiyappa

Chief Judicial Magistrate,  
Krishnagiri.