

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KOLLAM.

PRESENT:- Smt. Naina.K.V, Chief Judicial Magistrate.

Dated:-Tuesday, the 26th day of August, 2025

MC 1289/2025

Petitioner	:	M/s. Bank of India, represented by the Chief Manager/Authorised Officer, Bank of India, Zonal Office, Thiruvananthapuram.
		(By Adv. Sri. Anu.V.U)
Respondents	: 1	Athulya Raj, Sadhupurathu, Adinadu North P.O., Kulasekharapuram, Kollam 690 542.
	: 2	Raju Sahadevan, Sadhupurathu, Adinadu North P.O., Kulasekharapuram, Kollam 690 542.

This petition coming up for hearing today, and the court delivered the following:

O R D E R

This is a petition filed u/s. 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the secured creditor –**M/s. Bank of India** represented by its Authorized Officer. This petition has been filed for enabling the petitioner to take possession of the secured asset through the process of this Court.

2. The petitioner has filed affidavit in compliance with the statutory requirements u/s.14 of the Act. Perused the affidavit and verified the documents produced in support of the affidavit. The affidavit has been filed in accordance with the provisions u/s.14 and all necessary particulars are stated therein. I am satisfied that the possession of the secured asset can be taken and handed over to the petitioner by appointing an Advocate Commissioner. **Adv. Sri. Jayan.K** is appointed as Advocate Commissioner to take possession/control of the secured asset which is described in the schedule of the petition and to deliver the same to the petitioner. The petitioner shall pay an amount of **₹7,000/- (Rupees Seven Thousand only)** as batta directly to the Advocate Commissioner within 3 days and memo shall be filed acknowledging the receipt of batta. The Advocate Commissioner shall take possession of the secured asset a After taking possession, the Advocate Commissioner shall handover the same to the authorized officer of

the petitioner bank on proper acknowledgment. The Advocate Commissioner is at liberty to seek the assistance of the police after obtaining sanction from the court.

In the result, the petition is allowed as follows:--

- (1) Advocate **Sri. Jayan.K** is appointed as the Advocate Commissioner to take possession of the scheduled asset and related documents, if any, and hand over the same to the petitioner on proper acknowledgment. The petitioner shall pay a batta of Rs.7,000/- to the Commissioner and file memo.
- (2) The petitioner shall provide a copy of the petition including the schedule of secured asset to the Advocate Commissioner for executing the order.
- (3) The Station House Officer shall give necessary assistance to the Commissioner, if so required.
- (4) In case of any resistance from the respondent, sanction is accorded to the Advocate Commissioner to forcefully take possession of the secured asset.
- (5) The Advocate Commissioner is directed to prepare an inventory in triplicate, if required, to be attested by two respectable witnesses, as regards the execution of this order and in taking possession of the secured asset and copies thereof shall be given to the petitioner as well as the respondents on proper acknowledgment. One copy shall be filed along with the commissioner's report before the Court.
- (6) The Advocate Commissioner shall file report before this Court after taking and handing over possession to the petitioner Bank.

Dated this the 26th day of August, 2025.

Sd/-

Chief Judicial Magistrate

-/True copy/-

Chief Judicial Magistrate

