



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT TIRUPPUR

**Present: Tmt. P.Mohanavalli, B.A., M.L.,
Chief Judicial Magistrate, Tiruppur,
Thursday, the 13th day of August 2026**

Crl.M.P. No.2241/2026
CNR.No.TNT11A0147542025

M/S.NIDO HOME FINANCE LIMITED,
(Formerly known as Edelweiss Housing Finance Limited)
Through Its Authorized Officer;
MR.Santhanu.S
Having their Regd. Office At
Towers 3, 5th Floor, wing 'B'
Kohinoor City Mall,
Kohinoor city, Kirol Road,
Kurla (West), Mumbai-400070

...Petitioner

-Vs-

1.Mr.Vijayakumar, (Aged about 40 years),
S/o.Palanisamy,
No.4/20, Karatoor, Pungamuthur,
Udumalpet Taluk, Tirupur, Pollachi-642207.

Also at:- S.F.No.240/2, Pungamuthurkaratoor Village,
Udumalpet Taluk, Tirupur District, Pollachi-642207.

2. Mrs. Mayilathal Pazhanisamy, (Aged about 60 years),
W/o.Mr. Palanisamy,
No.4/20, Karatoor, Pungamuthur,
Udumalpet Taluk, Tirupur, Pollachi-642207.

3.Mrs. Vijayalakshmi.S (Aged about 44 years),
W/o.Mr.Sukumar,
No.1/107, Chinnabomman Salai,
Pungamuthur, Udumalaipettai,
Pollachi-642207.

...Respondents



This petition was taken to file on 06.06.2026. Advocate **Mr.V.Balasubramani** has appeared for the petitioner. Upon considering the facts narrated in the petition and after perusing the documents filed along with the petition this Court, after satisfying that the conditions prescribed in section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 are complied with, delivered the following :

ORDER

01. This application under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 is filed by the petitioner's duly authorized officer (**Doc No.1**), seeking the appointment of Advocate Commissioner to take actual possession of the petition mentioned property/secured assets.

02. The following facts are enumerated after considering the petition filed by the petitioner.

(i) M/S.NIDO HOME FINANCE LIMITED, the petitioner is represented through its Authorized Officer Mr.Santhanu.S, having its Registered office at Towers 3, 5th Floor, wing 'B' Kohinoor City Mall, Kohinoor city, Kiro Road, Kurla (West), Mumbai-400070 is a finance company and is a secured creditor under the SARFAESI Act.

(ii) According to the petitioner, the petitioner finance company sanctioned Loan for a sum of **Rs.5,00,000/-** to the respondents. The respondents have a simple mortgage by depositing of title deeds of the petition mentioned property (**Doc. No.5**) in favour of the petitioner.

(iii) The respondents, who availed the above-said loans did not repay the sale promptly as agreed and committed default in payment. Hence,



the petitioner bank had notified the account of the respondents as NPA on 04.09.2024.

(iv) Furthermore, the petitioner bank issued a demand notice on 10.09.2024(**Doc. No.7**) under section 13(2) of the SARFAESI Act demanding the respondents to repay the outstanding loan by giving 60 day's time. Even after service of the notices, the respondents not chosen to send any objection or come forward to repay the outstanding loan. The petitioner bank therefore, issued possession notice under section 13(4) of the SARFAESI Act on 19.11.2024(**Doc. No.9**) and the same was published in English Newspaper namely in "Business Standard" and the Tamil Newspaper namely in "Dinakaran" on 26.11.2024(**Doc. Nos.11 & 12**).

(v) Hence, this petition is filed by the petitioner's authorised officer for getting assistance from this Court. Since the petitioner, who took symbolic possession of the petition mentioned property/secured assets could not take actual possession from the respondents.

(vi) The petitioner also declared that the property is not in possession of any lessee under any valid lease and the same is also confirmed from the encumbrance certificate(**Doc. No.15**). As on 10.09.2024 the respondents to the petitioner a sum of total amount **Rs.5,30,115/-**.

03. On perusal of the records and the arguments put forth by the learned counsel for the petitioner, this court is of considered opinion that the affidavit of authorised officer of the petitioner and documents filed along with the petition are to be accepted. This court has ascertained that limitations and procedures prescribed by the above-said Acts (**Section 13 of SARFAESI ACT and Rules 03 and 08 of The security interest (enforcement) Rules 2002**) have been duly followed by the



petitioner and that the petition mentioned properties are within the territorial jurisdiction of this Court. In the interest of justice, the court deems fit and proper to provide necessary assistance to the petitioner to take possession of the secured assets.

RESULT

04. As a result, this petition is allowed. Advocate **Mrs.G.Thavamani, M.s.No.4750/2023**, appoint as Advocate commissioner. She is Directed.

1. To inspect the petition mentioned property.
2. Take inventories.
3. Take physical possession and immediately hand over to the petitioner/secured creditor and
4. If necessary take assistance of concerned Revenue Officials and the police in executing the warrant.
5. To break open the door if locked.

The Court Commissioner's remuneration is fixed at Rs.20,000/- and the Petitioner should pay the Advocate Commissioner fee within two days of receiving of the order. The court Commissioner report must be submitted within 40 days after handing over the possession. With the above-said directions and observations, this petition is closed.

Given under my hand and the seal of this court, this the 13th day of August 2026.

**CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR.**



DESCRIPTION OF PROPERTY

Item : 1

Tiruppur Registration District, Gomangalam Sub- Registration District, Udumalpet Taluk, Pungamuthur Village, S.F.No.240/2 (Karattur Natham) in vacant house land in bounded as follows: _

North of : Front Yard below mentioned

South of : House site and front yard of Mahali

East of : Front Yard of house of K.Palani Navithan

West of : House property of V.Kuppusamy Gounder

In the middle of:-

North - South on the West : 18 1/2 Feet

North - South on the East : 23 1/2 feet

East - West on the South : 32 1/2 feet

East - West on the North : 33 Feet

Total 687 Sq.feet land, Door No.4/20

Item ; 2

North of : House site mentioned above

South of : House site belongs to Mahali

East of : Backyard of house belongs to K.Palani Navithan

West of |: Compound wall belongs to V.Kuppusamy Gounder

In the middle of:-

North - South on the West – 17 1/2 Feet

North - South on the East - 23 1/2 Feet

East- West on the South - 33 Feet

East-West on the North - 22 1/2 Feet

Total 560 Sq.feet land

**Item :3**

North of - House Property belongs to Subba Vannan

South of - House site mentioned above

East of - Front yard of house of K.Palani Navithan

West of - House property belongs to Subba Vannan and Common Passage goes towards East,

In the middle of:-

North - South on the West : 23 Feet

North - South on the East: 23 Feet

East - West on the South : 22 Feet

East- West on the North: 25 1/2 Feet

Total 528 Sq.feet land

Total extent of 1775 Sq.feet Land and mamool layout passage rights also.

LIST OF DOCUMENTS

S.No.	Date	Description	Nature
1.	19.12.2023	Copy of Board of Resolution	Photo copy
2.	29.07.2021	Copy of Application Form	Photo copy
3.	29.07.2021	Copy of Sanction Letter	Photo copy
4.	29.07.2021	Copy of Loan Agreement	Photo copy
5.	02.08.2021	Copy of Memorandum of Deposit of Title Deeds vide Doc.No. 2401/2021	Photo copy
6.	14.09.1989	Copy of Sale Deed Doc.No. 631/1989	Photo copy
7.	10.09.2024	Copy of 13(2) Notice under SARFAESI Act along with postal receipts	Photo copy
8.	11.09.2024	Copy of 13(2) Notice postal receipts and track consignment of India Post	Photo copy
9.	19.11.2024	Copy of 13(4) Notice under Rule 8(1) SARFAESI Act along with postal receipts	Photo copy
10.	23.11.2024	Copy of 13(4) Notice postal track consignment of India Post	Photo copy



11.	26.11.2024	Copy of Paper Publication (English “Business Standard”)	Photo copy
12.	26.11.2024	Copy of Paper Publication (Tamil- “Dinakaran”)	Photo copy
13.	19.11.2024	Copy of 13(4) Affixture	Photo copy
14.	17.06.2025	Copy of Statement of Account	Photo copy
15.	18.06.2025	Copy of Encumbrance Certificate	Photo copy

**CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR.**

Copy to

Mrs.G.Thavamani, M.s.No.4750/2023, Mobile No.9940794929,
g.thavamani2594@gmail.com, Advocate Commissioner, Tiruppur.