

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, NAMAKKAL

Present: Thiru. S.Vijayakumar, M.A., M.L., (TN1330)
Chief Judicial Magistrate,
Namakkal.

Tuesday, the 27th day of May 2025

(திருவள்ளூர்வராண்டு 2056, விசுவாவசு வருடம் வைகாசித் திங்கள் 13 ம் நாள்)

Crl.M.P.No.387/2025
(CNR.No.TNNM02-001062-2025)

M/s PNB Housing Finance Limited,
Represented by its Authorised Signatory
S. Sulthan,
having its registered office at
9th floor, Antriksh Bhawan,
22 Kasturba Gandhi Marg,
New Delhi – 110001,
having one of its branch office at
No. 104/7, Salem Productivity Council,
Manivannan St., L.I. Colony,
Fairlands, (Opp. To new bus stand)
Salem – 636004.

.. Petitioner

/Vs/

1.P.Shymala, W/o. (late) D. Parthiban,
D.No. 3,104, Yadhavar Street,
Kattanachempatti,
Rasipuram, Namakkal -637 408.

Also at
No.1, 427, VIP Nagar,
Muthukalipatti,
Namakkal -637 408.

Also at
S.F.No. 159/1, 102/1A, 103/1, Plot No. 312,
Muthukalipatty Village,
Rasipuram, Namakkal REG.
Namakkal -637 408.

2. P. Praveen, S/o. Late. D. Parthiban,
S.F.No. 159/1, 102/1A, 103/1, Plot No. 312,
Muthukalipatty Village,
Rasipuram, Namakkal REG.

Namakkal -637 408.

3. P. Lokesh, S/o. Late. D. Parthiban,
S.F.No. 159/1, 102/1A, 103/1, Plot No. 312,
Muthukalipatty Village,
Rasipuram, Namakkal REG.
Namakkal -637 408.

4. P. Varun, S/o. Late. D. Parthiban,
S.F.No. 159/1, 102/1A, 103/1, Plot No. 312,
Muthukalipatty Village,
Rasipuram, Namakkal REG.
Namakkal -637 408.

.. Respondents.

This petition is filed by the petitioner **U/s. 14 of SARFAESI ACT, 2002** through e-filing on 15.04.2025 and it is taken on file on 28.04.2025 and it is came up on 19.05.2025 before this Court for final hearing in the presence of Thiru.J.Manimaran,, B.A., B.L., (Enrolment number M.S.783/2012) Learned Advocate for the petitioner and upon hearing the petitioner side and perusing the petitioner side case records and stood over for consideration till date, today this court passed the following.....

ORDER

This petition has been filed under Section 14 of **Securitisation and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002** praying for appointment of Advocate Commissioner directing him to take and deliver physical possession of the petition mentioned property with the assistance of the Senthamangalam Police and as per the affidavit and petition of petitioner side and Ex.P1 to P15, the respondents had availed the sanctioned loan amount of Rs.15,75,000/- and the 1st respondent is the absolute owner of the petition mentioned property and the respondents executed the loan documents in favour of petitioner for the said loan and the 1st respondent executed the registered Memorandum of Deposit of Title Deeds in favour of the petitioner in respect of petition mentioned property.

Petition Scheduled Property

Namakkal District, Namakkal RD, Rasipuram SRO, Rasipuram Taluk, Muthukalipatty Villalge, S.No. 159/1 Punjai acre 2.97 hectare (patta No. 90, New survey

No. 159/18) in this plot No. 312 northern side in this for an extent of 1080 square feet of the land all other easement rights within the following boundaries and measurements,

North of – Plot No. 312/ part

South of – 20 feet east west road

East of – 20 feet North South road

West of – Plot No.313

East West north 40 feet, East West south side 40 feet, North South east side 27 feet, North South west side 27 feet.

Totally measuring 1080 Square feet and using the rights and common path way etc., The property is situated at Muthukallipatty Village, the limits of Muthukalipatty Panchayat.

As agreed, the respondents have not repaid the said loan due in favour of the petitioner and committed default in repayment of principal and interest and hence, the petitioner issued demand notice U/s.13(2) of **SARFAESI ACT**, dated 28.11.2024 and the said notice are received by the respondents. But they failed to settle the loan amount due within 60 days after receipt of demand notice.

Further the petitioner issued the possession notice to the respondents u/s 13(4) of SARFAESI Act, dated 13.03.2025 and the demand notice and possession notice are also published in the daily newspapers. But the respondents have not come forward to repay the entire loan dues. On perusal of the affidavit and other documents of petitioner side including Ex.P1 to P15, this Court is satisfied and inclined to allow the petition as prayed for.

In the result,

This petition is allowed by appointing **V.Sri Rathikadevi (M.S.No.450/2012) (Cell Number:9500673787)** Advocate as Commissioner and his/her remuneration is fixed at Rs.20,000/- (Rupees Twenty Thousand only) to be deposited by the petitioner in this Court within 7 days and file memo to that effect. The Advocate

Commissioner is directed to take physical possession of the petition mentioned property and deliver the same to the petitioner. The Petitioner is also directed to assist and cooperate with Advocate Commissioner for completion of commission. The Advocate Commissioner is permitted to break open the lock if necessary in order to execute the warrant. If necessary the Advocate Commissioner is permitted to seek Jurisdictional Police (Senthamangalam Police Station) and Jurisdictional revenue officials for help to take physical possession of said property and file the commissioner report within 15 days. After filing the commissioner report, the remuneration will be disbursed to the Advocate Commissioner's bank account. Call on 11.06.2025.

This order dictated to the Steno Typist, typed by her through computer, corrected and pronounced by me, in the open court on this 27th day of May 2025.

Chief Judicial Magistrate,
Namakkal.