IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,NAMAKKAL

Present: Tmt. A.Shanmuga Priya, B.Sc(Agri)., B.L.,
Chief Judicial Magistrate,
Namakkal.

Monday, the 11th day of May 2026
(திருவள்ளுவராண்டு 2057, பராபவ வருடம் சித்திரைத் திங்கள்28 ம் நாள்)

Crl.M.P.No.1253/2025
(CNR.No.TNNM02-003756-2025)

M/s. Sundaram Home Finance Limited,
(Formerly known as Sundaram BNP Paribas Home Finance Ltd)
No.46, Whites Road, Chennai – 600 014,
and its branch office at No.117, 1st Floor,
KSPT Towers, Thuraiyur Road,
Namakkal – 637001,
Represented by its Authorized Offcer R.Shanmugan. .. Petitioner

/Vs /

1.A. Karthik, S/o. Ashokan,
D.No. 6/59,Karuppusamy Kovil Street,
R.Pudupalayam, Rasipuram,
Namakkal – 637408.

2. Sulechana Ashokan,
W/o. Ashokan,
D.No. 6/59,Karuppusamy Kovil Street,
R.Pudupalayam, Rasipuram,
Namakkal – 637408. .. Respondents.

This petition came before me for final hearing on 04.05.2026 in the presence of Thiru.T.Chandrakumar, Advocate for the petitioner and upon hearing petitioner side arguments, perusing the petition, and documents and having stood over for consideration till this day, this court delivered the following...

ORDER

This petition has been filed by the petitioner under Section 14 of the SARFAESI ACT 2002.

2. It is submitted that the respondents 1 and 2 are borrowers and had approached the petitioner company for availing a land Mortgage loan on the secured

asset which is morefully described in the schedule and the said property is in the name of the borrower / 2nd respondent Sulechana Ashoken, vide Registered Sale Deed bearing Document No. 814/2018 and the respondents were granted home loan vide loan account No. NMK20250068 for a sum of Rs. 64,00,000/- and the respondents had executed a loan agreement dated 26.11.2024 and agreeing to repay the said loan in 120 equated monthly installments of Rs. 90,348/- with a variable rate of interest and the 2nd respondents had also created a security interest over the schedule mentioned properties by way of registered Mortgage Deed bearing Document No. 7400/2024 dated 25.11.2024 by depositing the title deeds and the respondents failed to adhere to the terms of the loan agreement and defaulted in payments of monthly installments and since the respondents committed default in payment of monthly installments the petitioner company had classified the respondents account as Non Performing Asset on 29.07.2025 within the meaning the of section 2(o) of the Act and Statutory notice under section 13(2) of the SARFAESI Act dated 29.07.2025 sent by RPAD, calling upon the respondents to discharge their liability of Rs. 65,41,558/-in full within 60 days from the date of the statutory notice and the demand notice sent to the respondents served on 11.08.2025 and the respondents neither raised any objection nor complied with the demand made through the notice and the respondents fully aware of the consequences and their statutory obligation towards the petitioner failed to discharge their liability in full within the statutory period and as a secured creditor upon default by the borrower after sending the statutory notice under section 13(2) of the Act, this petitioner is entitled to proceed against the borrower to proceed under section 13(4) of the SARFAESI Act and the petitioner had chosen to exhaust the remedy under section 13(4) act and if the respondents do not cooperate to handover the property and then to resort to the provision envisaged under section 14 of the SARFAESI Act, accordingly, the petitioner company proceeded with section 13(4) of the SARFAESI Act on 14.10.2025 by affixing the notice on the secured property, by sending the possession notice by RPAD and also effected the paper publication in Tamil Dinamani and English New Indian Express dated 15.10.2025 and the petitioner company proceeded with the symbolic possession, the petitioner company was objected and resisted to take symbolic possession by the borrower and refused to hand over the possession of the secured property though they are bound to and though the petitioner have the statutory right of repossessing the schedule mentioned property, the respondents did not allow the petitioner to peacefully exercise the right of repossessing the mortgaged property and the respondents are liable to pay an amount of Rs. 69,53,773/- on 21.11.2025. Hence this petition.

3. **Point:**

Whether this petition is liable to be allowed or not?

4. Heard. On the side of the petitioner, the following documents were marked as Ex.P1 to Ex.P15.

Sl. No	Date	List of Documents	Remarks
1	10.11.2003	Notification	True copy (Compared with original)
2	28.02.2018	Sale Deed bearing Document No. 814/2018 in favour of 2nd Respondent Sulochana	True copy (Compared with original)
3	25.11.2024	Memorandum of Deposit of Title Deeds bearing Document No.7400/2024 executed by 2nd Respondent in favour of Petitioner company	True copy (Compared with original)
4	26.11.2024	Loan Agreement	True copy (Compared with original)
5	29.07.2025	Demand Notice U/s. 13(2) of SARFAESI Act to the respondents	True copy (Compared with original)
6	11.08.2025	Acknowledgment Cards (3 Nos) for service of notice to R1 and R2 and Return Cover (1 No) of notice sent to R1 to yet another address.	True copy (Compared with original)
7	14.10.2025	Possession Notice U/s. 13(4) of SARFAESI Act	True copy (Compared with original)
8	14.10.2025	Possession notice affixing photos	True copy (Compared with original)
9	15.10.2025	Paper Publication in Tamil - Dinamani and English - New Indian Express (2 Nos)	Original
10	---	Acknowledgment cards (3 Nos) for service of	True copy (Compared

		notice to R1 and R2 and Return Cover (1 No) of notice sent to R1 for yet another address.	with original)
11	02.09.2022	Authorization Letter	True copy (Compared with original)
12	20.11.2025	Encumbrance Certificate for Document No. 1605/2023for the period from 28.02.2018 to 19.11.2025.	True copy (Compared with original)
13	20.11.2025	Accounts statement from 09.10.2024 to 20.11.2025	True copy (Compared with original)
14	20.11.2025	Outstanding letter	True copy (Compared with original)
15	30.04.2026	CERSAI Report	Online copy

5. The petitioner had produced copy of loan documents, title deed, notice, postal receipt, Acknowledgment cards, paper publications, possession notice and established that the schedule mentioned properties were hypothecated and mortgaged and this petition was filed after expiry of 60 days from the date of receipt of notice issued under Sec.13(2) of SARFAESI Act by the respondents and the respondents are not entitled to any further notice under the said act from this court and the petitioner bank is having its office at Namakkal and the petition mentioned properties are situated in Namakkal District, Rasipuram Taluk, R.Pudhupalayam Village within the jurisdiction of this court. Sale Deed and Encumbrance certificate were also produced by the petitioner to show the title of the 2nd respondent. Necessary affidavit of the authorized officer of the Secured creditor/Petitioner was also filed and he duly affirmed that the provisions of the SARFAESI Act and rules have been complied with. This court has satisfied about the contents of the affidavit filed for the purpose of taking the possession of secured assets. Thus, there is compelling situation arise for the petitioner to realize the loan amount by taking necessary action to take actual possession of the secured asserts for sale or transfer. For the said purpose, it is just and necessary to render assistance to the secured creditor in taking possession of the secured assets and in doing so, the court can appoint a Commissioner for identification

of the secured assets and taking possession thereof and if there is any resistance, police assistance can be sought for and take effective steps to have possession of the secured assets taken over.

6. In the decision of Our Hon'ble Apex Court in **Authorised Officer, Indian Bank Vs The Visalakshi and another (Civil Appeal No. 6295 of 2015), dated 23.09.2019.,** it has been held as below:

"This is only a procedural step without any adjudication of any dispute whatsoever. The action is therefore, only an administrative order made for taking possession of the secured assets, if all other conditions are fulfiled. Having already noted that the powers exercised by the CMM and DM in terms of Section 14 of the 2002 Act are synonymous to each other and that they are not adjudicatory in nature"

"It did notice that the authority referred to in Section 14 of the 2002 Act has no power to adjudicate upon any rights of the parties but can only render assistance to the secured creditor to recover possession "

"The power to be exercised under Section 14 of the 2002 Act by the concerned authority is, by its very nature, nonjudicial or State's coercive power. Furthermore, the borrower or the persons claiming through borrower or for that matter likely to be affected by the proposed action being in possession of the subject property, have statutory remedy under section 17 of the 2002 Act and /or judicial review under Article 226 of the Constitution of India. In that sense, no prejudice is likely to be caused to the borrower/lessess: nor is it possible to suggest that they are rendered remedy less in law. At the same time, the secured creditor who invokes the process under Section 14 of the 2002 Act does not get any advantage muchless added advantage"

"It also noted that the authority after receiving such request under Section 14 of the 2002 Act, was not expected to do any further scrutiny of the matter except to verify from the secured creditor whether notice under Section 13(2) of the Act has already been given or not and whether the secured asset is located within his jurisdiction. There is no adjudication of any kind at this stage. The

Court also noticed in paragraph 23 of the reported judgment that after amendment of Section 14 of the 2002 Act, by inserting first proviso therein, the designated authority has to satisfy itself only with regard to the matters mentioned in clauses (i) to (ix) "

7. On considering the above documents filed on the side of petitioner and in view of the principles laid down by our Hon'ble Apex Court it is clear that the provisions of SARFAESI Act has been complied with.

8. Hence, on considering all the above, this court is of the view that an appropriate direction to prepare inventory and to take physical possession of the secured asset shall be passed in favour of the petitioner and hence, this court is inclined to allow this application.

SCHEDULE OF PROPERTY

All that piece and parcel of the property comprised in Pudupalayam Village Natham Survey No. 176/1, situated at R. Pudupalayam Village, Vennanthur Panchayat Union, Rasipuram, morefully bounded on the

North by: East to West Thaar Road in SF No.231/12,

South By: Property belongs to Jayaraman and other in SF.No. 231/41,

East By: South to North compound wall of Nagammal Temple in SF.No.231/14,

West By: K. Vasanthi Portion property in SF.No. 231/9,

Measuring

East to West on the North and South Sides: 5.8 Mtr (19ft),

North to South on the East and West Sides: 11.5 Mtr (37.3/4 ft),

Admeasuring an extent of (0.0067.0 Sq.Mtr) 717.1/4 sq.ft of land and the building builtup there on bearing D.No. 7/101 and 7/102 with all appurtenance and easementary rights and this particular property falls in the present New Natham Survey No. 231/11 as per Patta No. 195 the extent is 0.0067.5 Sq.Mtr or 726 sq.ft.

2) In the above Natham Survey No. 176/1, morefully bounded on the

North By: above mentioned item No.1 property, South By: Aasaithambi House property in SF.No. 231/39,

East By: South to North compound wall of Nagammal Temple in SF.No.231/14,

West By: Property belongs to Raju and others in SF.No.231/10A,

Within which item No.1 property in the North East,

Measuring

East to West on the North side and South Sides: 6.0 Mtr(6 Ft)

North to South on the East Side: 43 Ft,

North to South on the West Side:37.3/4Ft,

Admeasuring 262.1/2 sq.ft of land and its South side Item No.2 property measuring,

East to West on the North Side : 7.8 Mtr (25.1/2Ft),

East to West on the South Side : 7.4 Mtr(24 Ft),

North to South on the East Side : 10.5 Mtr (34.1/2 Ft),

North to South on the West Side : 10.5 Mrt (34.1/2Ft),

Admeasuring an extent of 854 Sq.Ft of land in full. Item No.1 and Item No.2 property in total 1116.1/2 Sq.Ft of land. The particular portion of property is falls in the present Patta No. 589, present Natham New Survey No. 231/41 with an extent of 0.0106.5 Sq. Mtr, Kist Rs. 2, The item No.2 property as per the above measurement an extent of 1116.1/2 Sq.ft and as per the Patta an extent of 0.016.5 Sq. Mtr or 1146.1/2 Sq.Ft within the Registration District of Namakkal,Sub Registration District of Rasipuram and morefully and particularly described in the title deed No. 814/2018.

In the result, this application is allowed. Thiru.B. Krishnan Advocate, (M.S.No.948/2022) (MobileNo.8870550759) is appointed as an Advocate Commissioner;

1. to inspect the petition mentioned property:
2. to take inventories:
3. to take physical possession and immediately to hand over to the petitioner/secured creditor and
4. If necessary take assistance of Police and Revenue Officials in executing the warrant.

5. The petitioner shall deposit a sum of Rs.20,000/- towards remuneration for Advocate Commissioner into the court within a week and after executing the warrant and filing the report, the Advocate Commissioner can get the said amount by filing necessary application. Report by 26.05.2026.

Dictated directly to the steno-typist, typed by her, corrected and pronounced by me in the open court, on this the 11th day of May 2026.

A SHANMUGAPRIYA

Digitally signed by A SHANMUGAPRIYA
Date: 2026.05.11 19:40:32 +0530

Chief Judicial Magistrate,
Namakkal.