

**In the court of the Chief Judicial Magistrate, Ramanathapuram.**

Present: Thiru.J.Jeya Suthahar,M.Sc.,L.L.M.,

Chief Judicial Magistrate, Ramanathapuram.

Thursday the 04th day of September, 2025**CrI.M.P. No.822/2025****CNR No. TNRM020024642025**

Axis Bank Limited,
Loan Centre,
4th Floor, Arcot Plaza,
Old No.38, New No.165,
Arcot Road, Kodambakkam,
Chennai.
(Through its Authorized officer
Mr. K.Gladson,
S/o. Kumar)

...Petitioner

//Vs//

1.Mr.K.Duraisami
S/o. Krishnan,
No.130, Thirupullani South Street,
Thirupullani Post,
Ramanathapuram – 623 703.

2. Mrs. D.Padma,
W/o. Duraisami,
No.130, Thirupullani South Street,
Thirupullani Post,
Ramanathapuram – 623 703.

...Respondents

This petition came before me for final hearing on 29.08.2025 in the presence of Mr.M.Sakthivel, Learned counsel for the petitioner and upon hearing the petitioner side arguments and upon perusal of the sworn affidavit, petition and the documents filed by the petitioner and having stood over for consideration till this day, this court doth delivers the following :-



ORDER

This petition is filed by the petitioner seeking assistance of this court under Section 14(1) of the Securitization And Reconstruction of Financial Assets And Enforcement of Security Interest Act 2002 (hereinafter referred to as SARFAESI Act), to take physical possession of the petition mentioned property.

2. The averments in the petition in brief:

The petitioner bank had sanctioned a secured loan of Rs.25,40,331/- to the respondents on 21.03.2015. The respondents executed loan document including memorandum of deposited of title deed in respect of the petition schedule property and created equitable mortgage. The 2nd respondent is the absolute owner of the schedule property and she has mortgaged the property with the petitioner by way of registered memorandum of deposited of title deeds dated 31.03.2015. Having availed the financial assistance from the petitioner bank, the respondents failed to repay the loan. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 27.06.2019. In order to realize the loan amount together with interest, the petitioner bank issued demand notice to the respondents under section 13(2) of the SARFAESI Act on 27.07.2020 calling upon the respondents to pay the dues to a tune of Rs.15,70,098/- as on 27.02.2020. The notice was duly served to the respondents. Since, the respondents have not repaid the outstanding loan amount, the petitioner issued possession notice under Section 13(4) of the SARFAESI Act on 18.03.2021. The possession notice was published in English and Tamil Newspaper also on 23.03.2021. But the petitioner is not able to take physical possession of the property enabling them to bring the property for auction sale. Hence this petition is filed.



3. The sworn statement of the authorized officer of the petitioner bank was recorded and Ex.P1 to Ex.P13 documents were marked.

4. Heard the learned counsel for the petitioner and perused the petition, sworn affidavit and the documents filed by the petitioner.

5. The point for decision is whether the petitioner is entitled for the assistance of this court in taking physical possession of the petition mentioned property under section 14 of the SARFAESI Act as prayed for?

6. It is now settled that notice need not be issued to the respondents from this court after entertaining the petition U/s 14 of the SARFAESI Act. From the perusal of the petition averments, sworn affidavit of PW1 and the documents filed by the petitioner bank, it is seen that the respondents availed loan from the petitioner bank by creating equitable mortgage over the petition mentioned property belonging to the 2nd respondent. It is seen that the respondents have availed the loan by executing necessary documents. Further it is seen that after availing the loan, the respondents did not come forward to repay the loan amount as agreed and even after issuance of statutory notice U/s 13(2) of the Act the respondents did not settle the amount.

7. From the affirmation of the authorized signatory of the petitioner on oath and on perusal of the documents exhibited on the side of the petitioner, this court is satisfied that the petitioner bank has properly complied with the conditions precedent for invoking the provision under section 14 of the SARFAESI Act. Through the affidavit filed by the authorized signatory and through the exhibits marked on their side, the petitioner has satisfactorily established the default on the part of the respondents in repayment of the



loan amount; the loan amount is not barred by limitation; the scheduled property was offered as security for the loan amount and; the scheduled property is located within the jurisdiction of this court.

8. Hence considering the above facts and circumstances of this case, this court this court is of the view that the petition deserves to be allowed.

9. In the result, this petition is allowed and **Thiru.A.Muneeswaran (MS.No. 4534/2024)** is appointed as Advocate/ Commissioner for the purpose to assist the petitioner in taking possession of the petition mentioned property after taking inventory if necessary and to hand over the same to the petitioner as per the provisions of SARFAESI ACT. If necessary, the Advocate/Commissioner may get required police protection by submitting requisition in writing to the concerned police station house officer by stating reason for the same. The Advocate/Commissioner shall execute the warrant without causing any physical harm to the inmates. The Commissioner's remuneration is fixed at **Rs.10,000/-** and the same has to be deposited by the petitioner into the account of this court in two weeks. On such deposit issue the warrant to the commissioner. After executing the warrant and filing the report the commissioner is entitled to get the remuneration from this court by filing separate E-transfer application. For commissioner's report Call on **06.10.2025**.

Chief Judicial Magistrate,
Ramanathapuram.



SCHEDULE OF PROPERTY

The Property belongs to 2nd Respondent

All that piece and parcel of land and building bearing Plot No.6 D.No.8/398, Pasumpon Nagar, Sakkarakottai Village, Sakkarakottai Group, Ramanathapuram District, Comprised in Survey No.63, Measuring 2058 sq.ft out of 1 Acre divided into housing plots bounded on the North by Property of Railway.

North by property of Railway

South by 10 Feet Road

East by Plot No.5 of Parimalam

West by Plot No.7 of Krishnaveni

Admeasuring

East to West on the Northern Side – 42 Feet

East to West on the Southern Side – 42 Feet

North to South on the Eastern Side – 52 Feet

North to South on the Western Side – 56 Feet

and situated within the Registration Sub-District of Velipattinam and Registration District of Ramanathapuram District.

Petitioner side Documents :

Ex.P.1	--	Authorisation Letter issued by the Petitioner Bank to Mr.K.Gladson	Xerox Copy
Ex.P.2	28.02.2015	Loan Application	Xerox Copy
Ex.P.3	21.03.2015	Loan Sanction Letter	Xerox Copy
Ex.P.4	26.03.2015	Over Draft Agreement executed by the Respondents in favour of the petitioner	Xerox Copy
Ex.P.5	09.02.2012	Title Deed in favour of the 2 nd respondent (Document No.995/2012)	Xerox Copy
Ex.P.6	31.03.2015	Memorandum of Title Deed executed by the Respondents in favour of the petitioner. (Document No.1632/2015)	Xerox Copy



Ex.P.7	27.07.2020	Demand Notice along with postal receipts	Xerox Copy
Ex.P.8	--	Acknowledgment Cards	Xerox Copy
Ex.P.9	18.03.2021	Possession Notice along with postal receipts	Xerox Copy
Ex.P.10	--	Acknowledgment Cards	Xerox Copy
Ex.P.11	23.03.2021	The New India Express and Dinamani News Paper showing publication of possession notice	Original
Ex.P.12	19.04.2025	Encumbrance Certificate	Xerox Copy
Ex.P.13	05.09.2025	Account Statement	Xerox Copy

Chief Judicial Magistrate.
Ramanathapuram.

Chief Judicial Magistrate Court,
Ramanathapuram

Crl.M.P.No.822/2025

Order

Dated: 04.09.2025