



In the court of the Chief Judicial Magistrate, Ramanathapuram.

Present: Thiru.J.Jeya Suthahar,M.Sc.,L.L.M.,
Chief Judicial Magistrate, Ramanathapuram.

Friday the 19th day of September 2025

CrI.M.P. No.992/2025

in

CrI.M.P. No.3019/2023

(CNR No.TNRM020032172025)

Canara Bank
Rep. By its Branch Manager
/Authorized officer
Mr.Brahma Raju
Office at Mohamed Sathak Center,
No.12A, G.H.Road, Ramanathapuram
Ramanathapuram District.

...Petitioner/Petitioner

//Vs//

1. M/s.DRS Aqua Products
Represented by its Proprietor
Mr.D.Ramasubramanian,
S/o.Mr.Durairajservai
No.225/3, Sanganthiyanvalasai
Mandapam Block,
Pattinam Kathan,
Nainamaraikan Post,
Ramanathapuram-623523.

2. Mr.D.Ramasubramanian,
S/o.Mr.Durairajservai,
No.55, Pulikara Street,
Velipattinam Post,
Ramanathapuram-623504.

...Respondents/Respondents



3. Advocate Deepika (MS.No.7640/2022)
Advocate/Commissioner

..... Respondent.

This petition came before me for final hearing on 12.09.2025 in the presence of Mr.S.A.S.Alaudeen, Learned counsel for the petitioner and the 3rd respondent, the Learned Advocate/Commissioner and upon hearing both side and having stood over for consideration till this day, this court doth delivers the following :-

ORDER

This petition is filed by the petitioner/petitioner to direct the 3rd respondent, the Learned Advocate/Commissioner to provide assistance for taking possession of the 2nd schedule property in the order in Crl.M.P.No.3019/2023 dated 07.10.2023 by this court within the time prescribed and after completion of the same this court shall allow the Advocate/Commissioner to obtain the paid remuneration which is deposited before this court.

2. The averments in the petition in brief:

This court has passed an order on 07.10.2023 appointing an Advocate/Commissioner to take over the physical possession of the Borrowed property from the respondents and handed over to the petitioner. As such subsequently the Advocate/Commissioner has taken physical possession of the property from the Borrower and handed over the same on 03.05.2024. In the course of the said proceedings by the Advocate/Commissioner the respondents



have not cooperated without police assistance. Then they have been deployed as per the order of this court dated 07.10.2023 for which the respondents did not come forward to take their properties from the schedule property in the main petition. So the Advocate/Commissioner was unable to do without further order of this court. But it was locked and sealed and the said things belonging to the respondents as per the attached panchanama are being kept inside and requested the respondents to receive the same as soon as possible. A separate petition for the same was filed and allowed by this court in Crl.M.P.No.9564/2024 dated 28.02.2025. As per the order of this court in Crl.M.P.No.3019/2023, dated 07.10.2023 the Advocate/Commissioner assisted for taking the 1st schedule property and the 2nd schedule is kept in silence which is not reflected in her report. It is learnt from the records that after the petitioner's counsel endorsed objection in the Advocate/Commissioner's remuneration petition she has suppressed the same and obtained the signature from the branch manager of the petitioner and also strike out the above said objection endorsement made by the counsel. The Advocate/Commissioner is not eligible for receiving remuneration by partly complying the order in Crl.M.P.No.3019/2023, dated 07.10.2023. Therefore, the Advocate/Commissioner Deepika may be directed to provide assistance for taking the 2nd schedule property in the Order in Crl.M.P.No.3019/2023, dated 07.10.2023 within the prescribed time and after completion of the same this court shall allow



the Advocate/Commissioner to obtain the paid remuneration which is deposited before this court.

3. Notice was ordered to the Advocate/Commissioner and after she entered appearance both side were heard.

4. The point for decision is whether this petition deserves to be allowed or not?

5. The petitioner bank filed a petition before this court under Section 14 of the SARFAESI Act 2002, in CrI.M.P.No.3019/2023 and the 3rd respondent Advocate/Commissioner was appointed to assist the petitioner bank to take physical possession of the properties from the respondents by the order of this court dated 07.10.2023. The petitioner was directed to deposit a sum of Rs.10,000/- towards remuneration of the Advocate/Commissioner. There are two schedule of properties in the petition as well as in the order. The Advocate/Commissioner has executed the warrant and assisted in taking the physical possession of the 1st schedule property to the petitioner bank and filed report before this court on 13.09.2024 and accordingly the above petition was closed on the same day. Thereafter the Advocate/Commissioner filed petition to give the remuneration to her and then only it was came to light that the petitioner did not deposit the remuneration amount into the account of this court. So notice was issued to the petitioner on 24.03.2025 to deposit the remuneration of the Advocate/Commissioner. Then only the petitioner deposited the amount and the



remuneration was given to the Advocate/Commissioner. At this juncture it is pertinent to note that the chief manager of the petitioner made an endorsement as “no objection” in the application filed by the Advocate/Commissioner for getting the remuneration amount.

6. Now the petitioner has filed this petition stating that the Advocate/Commissioner did not assist for taking physical possession of the 2nd schedule property and hence the Advocate/Commissioner has to be directed to give assistance for taking possession of the 2nd schedule property as per the order of this court in Crl.M.P.No.3019/2023 dated 07.10.2023. Further the petitioner has stated that this court shall allow the Advocate/Commissioner to obtain the remuneration deposited before this court only after completion of the above work.

7. Admittedly the the 3rd respondent Advocate/Commissioner was appointed to provide assistance for taking possession of the properties described in two schedules in the petition in Crl.M.P.No.3019/2023 by the order dated 07.10.2023. Further admittedly the the 3rd respondent Advocate/Commissioner assisted in taking physical possession of the 1st schedule property and filed report before this court and accordingly the above petition was closed by this court on 13.09.2024. Further admittedly the the 3rd respondent Advocate/Commissioner did not assist the petitioner bank in taking physical possession of the 2nd schedule property. So it is seen that the Advocate/Commissioner did not execute the warrant fully and there is only a partial execution.



8. But as already stated the petitioner has deposited the commissioner's remuneration in to the account of this court only after notice was issued to the petitioner on 24.03.2025, though the Commissioner filed her report even as early as on 13.09.2024. The petitioner has not informed this court about the partial execution of the warrant by the Advocate/Commissioner even at the time of filing of report by the Commissioner or at the time when the Commissioner filed application for payment of the remuneration to her. Further the petitioner is fully aware of the fact that already the remuneration deposited into the account of this court was received by the Advocate/Commissioner. In spite of that the petitioner has stated that this court shall allow the Advocate/Commissioner to obtain the remuneration deposited before this court only after assisting for taking possession of the 2nd schedule property. So it is seen that the petitioner has suppressed the true facts and stated a false averment in the petition.

9. Anyhow it is admitted that the Commissioner has to execute the warrant as far as the 2nd schedule property is concerned. Hence considering the above facts and circumstances and in the interest of justice this court is of the view that the 3rd respondent Advocate/Commissioner may be again appointed to assist the petitioner bank in taking physical possession of the 2nd schedule property as per the order of this court in Crl.M.P.No.3019/2023 dated 07.10.2023.

10. In the result this petition is allowed to the extent that the 3rd respondent is again appointed as Advocate/Commissioner to assist the the petitioner bank in



taking physical possession of the 2nd schedule property as per the order of this court in CrI.M.P.No.3019/2023 dated 07.10.2023. The Commissioner's remuneration is fixed as Rs.10,000/-, and the petitioner bank shall deposit the above amount into the account of this court within two weeks from the date of this order. On such deposit by the petitioner warrant shall be issued to the 3rd respondent Advocate/Commissioner immediately and she is directed to execute the warrant accordingly. If the petitioner did not deposit the commissioner's remuneration in to the account of this court as ordered this petition will be dismissed. 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 24.10.2025.

Chief Judicial Magistrate,
Ramanathapuram.

TNRM020032172025



8

Chief Judicial Magistrate Court,
Ramanathapuram

Crl.M.P.No.992/2025

in

Crl.M.P.No.3019/2023

Order

Date: 19.09.2025