In the court of the Chief Judicial Magistrate, Ramanathapuram.
Present: Thiru.J.Jeya Suthahar,M.Sc.,L.L.M.,
Chief Judicial Magistrate, Ramanathapuram.
Monday the 01st day of December, 2025
Crl.M.P. No.1209/2025
CNR No.TNRM020039072025
******

M/s. Cholamandalam Investment and Finance
Company Ltd., Rep by its Manager,
Mr.A. Chandra Narayanan Alagarsamy,
No. 2/3, G.V.Towers, III floor,
Melakkal Main Road,
Madurai – 625 016. ...Petitioner

//Vs//

1. Thiru.Vinoth Muthusamy,
S/o. Muthusamy,
No. 3/86, Puthur,
Kalladithidal, Anandur,
Ramanathapuram.

2. Dharma Muneeswar Maligai
(Represented by its proprietor M.Vinoth Muthusamy)
No.1 Muslim Street, Anandur,
Ramanathapuram.

3. Thiru.K.Muthusamy,
S/o. Kanansamy,
No. 3/86, Puthur,
Kalladithidal, Anandur,
Ramanathapuram. ...Respondents

This petition came before me for final hearing on 21.11.2025 in the presence of Mrs.R.Sudha, 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 finance company 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 company is a non - banking finance company incorporated under the Companies Act and within the meaning of Banking Regulation Act and the petitioner in the business of lending money to its customer for various purposes including financing facilities under various heads like mortgage loan. The petitioner company is duly notified as a "Financial Institution" under the Securitization and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002 (Hereinafter referred to as the Act). The 1st respondent is running business in the name and style of "DHARMA MUNEESWAR MALIGAI" at Anandur, Ramanathapuram. The 3rd respondent is the father of the 1st respondent and co-applicant of the loan. The Respondents 1 and 3 approached the petitioner company for financial assistance for development of the business on 24.03.2022. The petitioner company sanctioned loan facilities for a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) to the respondents on 31.03.2022. On that day the respondents executed various loan documents. Viz., loan Agreements in favour of the petitioner company and the respondents agreed to repay the loan amount with agreed interest. On 21.04.2022, the 1st respondent executed a registered agreement relating to deposit of title deeds in favour of the petitioner company in respect of the schedule mentioned property. After availing housing loan, the respondents failed to repay several E.M.I.s. Now the total amount outstanding is Rs. 21,20,728/- as on 29.07.2025. So, the petitioner has classified the respondents loan account as Non-performing asset on 03.01.2025. On 16.01.2025 the petitioner company issued the demand notice U/s 13 (2) of SARFEASI Act to the respondents by granting 60 days time for repaying the loan amount a sum of Rs.20,65,379/-as on 16.01.2025. The demand notice was not received by the respondents. In this regard, on 26.01.2025, the petitioner issued a paper publication by adverting the demand notice vide “New Indian Express” English edition daily newspaper and also issued a Vernacular Tamil “Dinamani” newspaper. But the respondents were not turned up to repay the loan amount with interest to the petitioner company. The petitioner issued a possession notice dated 11.07.2025 U/s 13(4) of the SARFASI Act to the respondents in respect of the schedule mention property for a sum of Rs. 20,65,379-/- as on 16.01.2025 with interest and other charges thereon payable by the respondents to the petitioner. The possession notice was not received by respondents. In this regard, on 15.07.2025 the petitioner issued a paper publication by adverting the possession notice vide New Indian Express English edition daily newspaper and also issued a Vernacular Tamil Dinamani newspaper. The respondents are influential persons in the locality and the petitioner apprehends that the respondent would resist the petitioner from peacefully exercising its statutory right of possessing the schedule mentioned property. Hence the petitioner is before this court for necessary orders. The petitioner sates that to their knowledge no proceedings are pending before the DRT or any other forum pertaining to the above borrowers. The petitioner declares that there is no stay or Injunction granted by any Courts or Tribunals or High Court for taking physical possession of the secured assets under the provisions of the SARFAESI Act 2002. The property is not an agriculture property. Hence this petition is filed.

3. The sworn statement of the authorized officer of the petitioner bank was recorded and Ex.P1 to Ex.P17 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 1st respondent is the customer and the respondents 2 and 3 are the joint customers of the loan. It is seen that the respondents have availed the loan by executing necessary documents and by

creating equitable mortgage in respect of the schedule property belonging to the 1st respondent. Further it is seen that 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 officer 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 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 schedule property was offered as security for the loan amount and; the schedule property is located within the jurisdiction of this court.

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

9. In the result, this petition is allowed and **Selvi.Perinbaselvi Sundar (MS No. 5507/2022)** 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 any person. The Commissioner's remuneration is fixed at **Rs.20,000/-** 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 **23.01.2026.**

J JEYA SUTHAHAR
Digitally signed by J JEYA SUTHAHAR
Date: 2025.12.01 17:36:09 +0530

Chief Judicial Magistrate,
Ramanathapuram.

SCHEDULE OF PROPERTY

Karaikudi Re-D, Thiruvadanai Sub-D, Rajasingamangalam Union, Anandur Panchayat, Anandur Village, Anandur Group, Old Natham S.No. 107/1, New Natham S.No. 107/21, Natham Vacant Plot no.1 measuring 00570 sq.meter i.e, 6133 sq.feet with half portion measuring 00285 sq.meter i.e, 3066 ½ sq.feet measuring bounded on :

North : East West Path
South : East West Path
East : Property belonged to Chellam
West : North South Path

Thus totaling 3066 ½ sq.feet

Petitioner side Documents :

Ex.P.1	05.08.2016	Gazette Notification	Xerox Copy
Ex.P.2	01.08.2023	Resolution passed by the board of directors of the	Xerox Copy

		petitioner Company	
Ex.P.3	24.03.2022	Loan application of the respondents	Xerox Copy
Ex.P.4	31.03.2022	Loan sanction letter	Xerox Copy
Ex.P.5	31.03.2022	Loan agreement	Xerox Copy
Ex.P.6	21.04.2022	Memorandum of Deposit of Title Deeds in Doc.No.853/2022	Xerox Copy
Ex.P.7	16.01.2025	Demand Notice issued by the petitioner to the respondents along with postal receipts and track consignment	Xerox Copy
Ex.P8	26.01.2025	Publication of demand notice in New Indian Express English daily	Original
Ex.P.9	26.01.2025	Publication of demand notice in Dinamani Tamil daily	Original
Ex.P.10	11.07.2025	Possession Notice issued by the petitioner to the respondents along with postal receipts and track consignment	Xerox Copy
Ex.P.11	11.07.2025	Photo showing affixure of possession notice	Xerox Copy
Ex.P.12	15.07.2025	Publication of possession notice in New Indian Express English daily	Original
Ex.P.13	15.07.2025	Publication of possession notice in Dinamani Tamil daily	Original
Ex.P.14	29.07.2025	Foreclosure statement	Xerox Copy
Ex.P.15	29.07.2025	Statement of Account	Xerox Copy
Ex.P.16	29.03.2022	Sale deed in Doc.No.630/2022	Xerox Copy
Ex.P.17	18.07.2025	Encumbrance Certificate	Online Copy

J JEYA SUTHAHAR
Digitally signed by J JEYA SUTHAHAR
Date: 2025.12.01 17:36:17 +0530

Chief Judicial Magistrate.
Ramanathapuram.

Chief Judicial Magistrate Court,
Ramanathapuram
Crl.M.P.No.1209/2025
Order
Date: 01.12.2025