IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

Present: Tmt.A.DAOUDH AMMAL, B.A., M.L.,
Chief Judicial Magistrate, Ranipet

Monday, the 6th day of April, 2026

Criminal Miscellaneous Petition No.83/2026
(CNR No.TNRP02-000018-2026)

State Bank of India, SME Walaja Branch,
Represented by its Chief Manager/ Authorized Officer
Mr.Vinod Kumar Govindu.
Having Office at Land Mark Building,
MBT Road, Palar Tower Walajapet,
Ranipet – 632 513. … Petitioner

-Vs-

1. M/s. Srivetri Traders (Borrower)
   Proprietor: Mr. Mani,
   No.70/3/f, Anna Nagar – 1 Kannamanagalam Road,
   Arcot Town @ Taluk, Ranipet District – 632 503.
2. Mr. Mani, S/o. Rajagopal, A/65,
   No.70/3/f, Anna Nagar – 1 Kannamanagalam Road,
   Arcot Town @ Taluk, Ranipet District – 632 503.

… Respondents

This Petition coming before me for hearing on 23.03.2026 in the presence of Mr.K.M.Boopathi, Counsel for Petitioner, on perusal of averments in the Petition and evidence adduced before this court and having stood over for consideration till this date, this court delivered the following

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ORDER

This Petition has been filed by the Authorized Officer of Petitioner Finance Limited u/s.14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to appoint an Advocate Commissioner and direct him, to take physical possession of the secured Assets more particularly described in the schedule hereto together with the documents by using such force as may be necessary and from whomsoever found in possession breaking open the doors of the property and hand over the same to the Authorized officer of the petitioner bank and order may be issued to the Arcot Town Police Station lies within jurisdiction the said secured Assets are situated to provide necessary police protection during the taking over the schedule of the property and also directing the Revenue Officer having jurisdiction over the schedule mentioned property to assist the petitioner taking possession of the property.

Petition Averments in Nutshell:

2. The Petitioner is the Authorized Officer of the Petitioner Bank who empowered to act under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The 1st Respondent is the proprietorship and the 2nd respondent is the proprietor of the 1st respondent and he is the 1st Respondent is the borrower and the 2nd Respondent is the guarantor of the sad loan facility. The Respondent have availed the credit facility by way of financial assistance against the assest creating security interest infavour of the petitioner's bank and also executed the loan documents for the same. The 2nd respondent mortgaged his properties described in schedule by way of a registered memorandum relating to deposit of title deeds dated 01.07.2023 as security for the loan facility granted to them.

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3. The Respondents were highly irregular in repaying the instalments right from the beginning and committed wilful default in the repayment of the loan. The petitioner bank issued a notice on 30.08.2025 u/s.13(2) Sarfaesi Act, 2002. The objection or representation in reply to the demand notice received from the Respondents have been considered by the secured creditor and reasons for non-acceptance of such objection or representation had been communicated to the Respondents. However, they failed to deposit the total dues of the petitioner bank as stated in demand notice dated 30.08.2025.

4. Even after the expiry of the statutory period of 60 days from the date of receipt of the Demand Notice, the Respondents inspite of having knowledge about the constructive notice have failed to neglect to make payment. The Respondents despite knowledge of the statutory Notice, fully aware of the consequences and their statutory obligation towards the Petitioner failed to discharge their liability within the statutory period. They being the secured creditor upon default by the borrower after statutory notice u/s.13(2) of the Act, they are entitled to proceed against the borrower u/s.13(4) of the Act to take possession of the Secured Asset and as such the Petitioner issued possession notice dated 10.11.2025 and the same was published in the newspapers and cautioned the Respondents and public, in general, not to deal with the schedule mentioned prperty.

5. The outstanding balance of the said loan as on 29.08.2025 is Rs.1,13,97,877.96/-. After issuance of Demand Notice, this Petition within the period of limitation. The objection or representation in reply to the notice received from the respondents has been considered by the secured creditor and reasons for non-appearance of such objection or representation had been communicated to the respondents. The Respondents hve not made any repayment of the financial

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assitance inspite of the notice and the Authorized Officer is therefore entitled to take possession of the secured assets under the provisions of Section 13(4) read with Section 14 of the principle Act. Hence this Petition.

6. On the side of the Petitioner, the Authorized Officer/Deputy Manager of the Petitioner's Bank was examined as PW1 and PW1 had adduced evidence by filing Proof Affidavit and Ex.P1 to Ex.P13 marked as documents on the side of the Petitioner. Authorization Letter dated 20.12.2025 and Copy of Identity card of PW1 is marked as Ex.P1, Copy of Loan Application dated 21.06.2023 is marked as Ex.P2, Copy of Agreement of Loan-cum-hypothecation dated 01.07.2023 is marked as Ex.P3, Copy of Letter of Arrangement dated 01.07.2023 is marked as Ex.P4, Copy of Guarantee Agreement dated 01.07.2023 is marked as Ex.P5, Copy of Memorandum of deposit of title deeds in Doc.No.4756/2023 dated 01.07.2023 is marked as Ex.P6, Copy of Sale Deed in Doc.No.2048/1991 dated 16.10.1991 is marked as Ex.P7, Online copy of Encumbrance Certificate dated 10.11.2022 and 16.12.2025 are marked as Ex.P8, Copy of Demand Notice u/s.13(2) of Sarfaesi Act dated 30.08.2025 along with the copy of Postal Receipts and copy of Acknowledgement Cards are marked as Ex.P9, Copy of Possession Notice dated 10.11.2025 is marked as Ex.P10, Paper Publication in "The Hindu" (English Daily) and "Hindu Tamil" (Tamil Daily) dated 14.11.2025 is marked as Ex.P11, Copy of Photograph for affixing Possession Notice is marked as Ex.P12, Copy of Statement of Account dated 16.12.2025 is marked as Ex.P13.

Point:

7. Heard the Petitioner counsel. Records Perused. It is now settled that no Notice is necessary to be issued to the Respondents from the court after entertaining the Petition u/s.14 of Sarfaesi Act. It is clear from perusal of Petition Averments, Proof Affidavit of PW1 and Ex.P2 Loan Application dated 21.06.2023, Ex.P3 Agreement of

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Loan-cum-hypothecation dated 01.07.2023, Ex.P4 Letter of Arrangement dated 01.07.2023, Ex.P6 Memorandum of deposit of title deeds dated 01.07.2023 in Doc.No.4756/2023 that the Respondents had availed loan from the Petitioner Finance Bank by mortgaging the schedule mentioned property. It is evident that Ex.P9 Demand Notice u/s.13(2) of Sarfaesi Act dated 30.08.2025, reveals that the Petitioner Bank, had issued the statutory Demand Notice under Section 13(2) of the Act through Registered Post to the Respondents by giving 60 days time to settle the outstanding due amount and even then Respondents have failed to repay the amount due. Furthermore Ex.P10 Copy of Possession Notice dated 10.11.2025 reveals that after the Demand Notice under Section 13(2) of the Act, the Petitioner Bank, had issued the Possession Notice under Section 13(4) of the Act and the same was published in "The Hindu" (English Daily) and "Hindu Tamil" (Tamil Daily) dated 14.11.2025 as per Ex.P11.

8. It is to be noted that it has been further stated in the Petition and Proof Affidavit filed by the Petitioner that no proceedings or stay is pending before DRT or any other forum pertaining to this matter. Considering the above circumstances, this court is of the view that the Advocate Commissioner can be appointed for taking actual possession of the Petition schedule mentioned property from the 2nd Respondent in accordance with the provisions of Sarfaesi Act.

9. In fine, **Mr.B.Sivamani, MS.No.1053/1995** is appointed as **Advocate Commissioner** for the purpose of assisting the Petitioner in taking possession of the Petition schedule mentioned property of 2nd Respondent 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 Station House Officer by stating reason for the same. If necessary, the Advocate Commissioner shall take assistance

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from the jurisdictional Police Station and Revenue Officials concerned and permitted to break open the schedule mentioned property for the purpose of taking inventory of the articles therein in the presence of the concerned Police officials and Revenue officials for execution of the warrant. A sum of Rs.25,000/- is ordered as Remuneration to the Advocate Commissioner in which Rs.10,000/- has to be paid directly to the Advocate Commissioner and the balance of Rs.15,000/- has to be paid on execution of the warrant. The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates. Issue Commission Warrant to the Advocate Commissioner. Report by 06.05.2026.

Dictated to the steno-typist, typed by her directly in the computer, corrected by me and pronounced by me in the open court on this the 6th day of April, 2026.

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Chief Judicial Magistrate,
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Petitioner side witnesses:

PW1- Mr. Vinod Kumar

Petitioner side Exhibits:

Ex.P1	20.12.2025	Authorization Letter and Copy of Identity card of PW1
Ex.P2	21.06.2023	Copy of Loan Application
Ex.P3	01.07.2023	Copy of Agreement of Loan-cum-hypothecation
Ex.P4	01.07.2023	Copy of Letter of Arrangement
Ex.P5	01.07.2023	Copy of Guarantee Agreement
Ex.P6	01.07.2023	Copy of Memorandum of deposit of title deeds in Doc.No.4756/2023

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Ex.P7	16.10.1991	Copy of Sale Deed in Doc.No.2048/1991
Ex.P8	10.11.2022 16.12.2025	Online copy of Encumbrance Certificate
Ex.P9	30.08.2025	Copy of Demand Notice u/s.13(2) of Sarfaesi Act along with the copy of Postal Receipts and copy of Acknowledgement Cards
Ex.P10	10.11.2025	Copy of Possession Notice
Ex.P11	14.11.2025	Paper Publication in “The Hindu” (English Daily) and “Hindu Tamil” (Tamil Daily)
Ex.P12	---	Copy of Photograph for affixing Possession Notice
Ex.P13	16.12.2025	Copy of Statement of Account

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