

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

**Present: Tmt.A.DAOU DH AMMAL, B.A., M.L.,
Chief Judicial Magistrate, Ranipet**

Thursday, the 23rd day of October, 2025

**Criminal Miscellaneous Petition No.181/2025
(CNR No.TNRP02-000369-2024)**

M/s.Equitas Small Finance Bank Limited
(Formerly known as Equitas Finance Ltd.,)
Having Office at F-39, Spencer Plaza,
No.769, 4th floor, Phase-II, Anna Salai,
Chennai- 600 002, Rep.by its Authorized officer
Mr.Boopalan. s/o.Estalingam, Age 31 years

... Petitioner/Secured Creditor

-Vs-

1. Mrs.Mageshwari.N, d/o.Mani
2. Mr.Neethi Manickam, s/o.Subramani
Both are residing at No.56/13, Mettu Street,
Itchiputhur, Arakkonam- 631 003

... Respondents/Borrowers/
Guarantors/Morgagors

This Petition coming before me for final hearing on 08.10.2025 in the presence of Mr.J.Lokesh, 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

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 to take possession of the secured asset of all that piece and parcel of the schedule mentioned property, morefully described in the Petition and necessary direction issued to the Advocate Commissioner to take over the possession of the secured asset and issue necessary direction to the Advocate Commissioner to hand over possession of the secured asset to the Authorized officer of the Petitioner and the Advocate Commissioner may also be permitted to break open the locks, if any found on the property and prepare the inventory of the goods lying therein and to permit the Commissioner, if necessary, take assistance from the jurisdiction Police Station and Revenue officials for effective take over of the schedule mentioned secured asset with direction to the Inspector of Police to provide necessary Police assistance at the request of the Advocate Commissioner and other orders.

Petition Averments in Nutshell:

2. The Petitioner is an Authorized Officer and Legal Manager of the Petitioner herein as such the Petitioner is well acquainted with the facts and circumstances of the case. The above Petition is filed by the Petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 seeking assistance of this Court to take possession of the secured Assets, namely the Mortgage Property morefully set out in the Petition. The Respondents approached Equitas Small Finance Bank Limited to sanction certain credit facilities for loan against property for debit consolidation by executing loan application on 09.06.2019. The Respondents are

the borrowers. The Respondents executed loan documents on 09.07.2019 in favour of Equitas Small Finance Bank Limited such as Loan Agreement. The Equitas Small Finance Bank Limited has considered and sanctioned the loan for a sum of Rs.5,30,000/- to the borrower as earlier vide the document of MODT. After that, additional loan for a sum of Rs.3,50,000/- was sanctioned to the borrower by the Applicant/Petitioner based on the above mentioned MODT property with acceptance of the borrower. Overall, the Equitas Small Finance Bank Limited considered and sanctioned the loan for a sum of Rs.8,80,000/- to the borrower vide Sanction Letter dated 09.07.2019. On 25.07.2018, the 2nd Respondent deposited the title deed with the Equitas Small Finance Bank Limited with intention to create Equitable Mortgage and executed a Memorandum confirming her Title Deed by the Respondents on 25.07.2018 and registered as document No.2565/2018 on the file of SRO, Arakkonam.

3. The Reserve Bank of India had issued a License dated 30.06.2016 to Equitas Small Finance Bank Limited to carry on the business of banking which has become operational as a small finance Bank. The above loan facilities were inter-alia secured by personal guarantee of Respondents, apart from that in order to secure the loan amounts, inter-alia, the said Respondents have offered that immovable properties morefully described in the schedule herein, as collateral security. The schedule mentioned property belong to the 2nd Respondent, who was in possession of the property for decades and on that basis a Release Deed No.1767/2018 on the file of the SRO, Arakkonam Joint 1.

4. In spite of the repeated request, the Respondents were irregular in repaying the loan amount as agreed and the loan amount became overdue. The loan account was classified as Non Performing Assets (NPA) with effect from 08.09.2023, in accordance with guidelines issued by the Reserve Bank of India.

On 21.09.2023, a sum of Rs.11,20,504/- with further interest @ 2% with monthly rests is found due. As per the RBI, the Petitioner bank is entitled to recover the dues from the Respondent.

5. The Petitioner Bank has issued a Statutory Demand Notice on 12.10.2023 under Section 13(2) of SARFAESI ACT, calling upon the Respondents to repay the entire loan amount a sum of Rs.11,20,504/- as with interest 2% per month with monthly rest from 22.09.2023 within a period of 60 days from the date of the Notice. The Notice was duly served on him as per Track Consignment order by Indian Post and the Respondents failed and neglected to comply with the demand of defaulted payments within the statutory period. The borrower has not made representations to the Demand Notice within the statutory period of 60 days. The Respondents are fully aware of the consequences of the Statutory Demand Notice and they have not yet discharged the liabilities within the period. Hence the Petitioner is entitled to proceed against the borrowers under Section 13(4) of the said Act to take possession of the secured asset and as such the Petitioner issued Possession Notice on 26.02.2024. The Notice was duly served on him as per Track Consignment Report and the Respondents failed and neglected to comply with the demand of defaulted payments within the statutory period. Since the Respondents failed to repay the entire loan amount within 60 days from the date of demand notice, the Authorized Officer of the Petitioner Bank is entitled to take possession of the Secured Assets given by the borrowers as the time of borrowing in favour of the Bank. As per Standard Chartered Bank, Noble Kumar judgment rendered by Supreme Court it was held it is not mandatory for secured creditor to issue Notice under Section 13(4) to seek assistance of Court to secure possession of secure asset.

6. The Authorized Officer of the Bank namely Equitas Small Finance Bank Limited, the Petitioner herein is entitled to take possession of the secured assets given by the borrowers at the time of borrowing in favour of the Bank, when the dues mentioned in the Notices are not paid within 60 days from the date of receipt of the Notice by the borrowers. The borrower did not send any Reply to the Petitioner, then the Petitioner filed this Petition within the stipulated period. The Petitioner now seeks to assistance of this Court to grant suitable assistance as contemplated under the Act to take physical possession of the property more fully described in the petition. Hence this Petition.

7. On the side of the Petitioner, the Authorized Officer of the Petitioner's Finance 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. Special Power of Attorney is marked as Ex.P1, Copy of Loan Application dated 09.06.2019 is marked as Ex.P2, Copy of Loan Agreement dated 09.07.2019 is marked as Ex.P3, Copy of Sanction Letter dated 09.07.2019 is marked as Ex.P4, Copy of Memorandum of Deposit of Title Deeds dated 25.07.2018 in Doc.No.2565/2018 is marked as Ex.P5, Copy of Release Deed dated 28.03.2018 is marked as Ex.P6, Copy of Demand Notice u/s.13(2) of SARFAESI Act dated 12.10.2023, Postal Receipts (Nos.2) are marked as Ex.P7, Copy of Postal Track Consignment is marked as Ex.P8, Possession Notice dated 26.02.2024 and Postal receipts (Nos.2) are marked as Ex.P9, Copy of Postal Track Consignment is marked as Ex.P10, Copy of Statement of Account is marked as Ex.P11, Encumbrance Certificate is marked as Ex.P12, Copy of Unregistered Additional Memorandum of Deposit of Title Deeds dated 11.07.2019 is marked as Ex.P13.

Point:

8. 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 09.06.2019, Ex.P4 Sanction Letter dated 09.07.2019, Ex.P5 Memorandum of Deposit of Title Deeds dated 25.07.2018 in Doc.No.2565/2018, Ex.P13 Copy of Unregistered Additional Memorandum of Deposit of Title Deed dated 11.07.2019 that the Respondents had availed loan from the Petitioner Finance Bank by mortgaging the schedule mentioned property. It is evident that Ex.P7 Demand Notice u/s.13(2) of SARFAESI Act dated 12.10.2023, reveals that the Petitioner Finance 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. It is to be noted that the Petitioner is entitled to take possession of the secured assets given by the borrowers at the time of borrowing infavour of the Bank, when the dues mentioned in the Notices are not paid within 60 days from the date of receipt of the notice by the borrowers. The borrower did not send any Reply to the Petitioner and hence the Petitioner had filed this Petition within the stipulated period. The Petitioner now seeks to assistance of this Court to grant suitable assistance as contemplated under the Act to take physical possession of the property morefully described in the Petition. Furthermore Ex.P9 Possession Notice dated 26.02.2024 reveals that after the Demand Notice under Section 13(2) of the Act, the Petitioner Finance Bank had issued the Possession Notice under Section 13(4) of the Act.

9. 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 1st Respondent in accordance with the provisions of SARFAESI ACT.

10. In fine, **Mr.K.Karthick, MS.No.3230/2007** is appointed as **Advocate Commissioner** for the purpose of assisting the Petitioner in taking possession of the Petition schedule mentioned property of 1st 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 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.20,000/- is ordered as Remuneration to the Advocate Commissioner in which Rs.5,000/- 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 24.11.2025.

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 23rd day of October, 2025.

Chief Judicial Magistrate,
Ranipet.

Petitioner side witnesses:

PW1- Mr.Boopalan

Petitioner side Exhibits:

Ex.P1		Special Power of Attorney
Ex.P2	09.06.2019	Copy of Loan Application
Ex.P3	09.07.2019	Copy of Loan Agreement
Ex.P4	09.07.2019	Copy of Sanction letter
Ex.P5	25.07.2018	Copy of Memorandum of Deposit of Title Deeds in Doc.No.2565/2018
Ex.P6	28.03.2018	Copy of Release Deed
Ex.P7	12.10.2023	Demand Notice u/s.13(2) of SARFAESI Act with Postal Receipts (2 nos)
Ex.P8		Copy of Track Consignment Report
Ex.P9	26.02.2024	Possession Notice with Postal Receipts (2 nos)
EX.P10		Copy of Track Consignment Report
Ex.P11		Copy of the Statement of Accounts
Ex.P12		Copy of Encumbrance Certificate
Ex.P13	11.07.2019	Copy of Unregistered Additional Memorandum of Deposit of Title Deeds

Chief Judicial Magistrate,
Ranipet.