

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 06th day of November, 2025

**Criminal Miscellaneous Petition No.207/2025
(CNR No.TNRP02-000369-2025)**

M/s.Equitas Small Finance Bank Limited,
No.769, Spencer Plaza, 4th Floor, Phase-2,
Anna Salai, Chennai- 600002,
Represented by its Authorized Officer,
Mr.G.Boopalan, s/o.Govindaraj

... Petitioner

-Vs-

1. Mr.Mohammedfaizal M (Borrower)
2. Mrs.Nausadbegam M (Co-borrower)

... Respondents

This Petition coming before me for final hearing on 27.10.2025 in the presence of Mr.G.Selvakumar, 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 schedule mentioned property and documents relating thereto and forward such assets and documents to the secured creditor the Petitioner herein and to direct the Inspector of Police, Arcot Taluk Police Station or any other appropriate Police Officer having jurisdiction

over the area where the schedule mentioned property is situated to render Police protection to the Petitioner Company to take possession of the schedule mentioned property.

Petition Averments in Nutshell:

2. The Petitioner is the Authorized Officer of the Petitioner's Finance Bank. The 1st Respondent is the borrower and another Respondent is the co-borrower jointly obtained loan. The 2nd Respondent mortgaged his property belonged to him, the Petitioner bank has sanctioned a sum of Rs.24,54,572/- as a cash credit and term loan under loan A/c.No.SEVLORE0422400; likewise the Petitioner's bank has enhanced another loan for Rs.2,00,000/- under Loan A/C.No. 200001998347; totally Rs.26,54,572/-. The 2nd Respondent being true and absolute owner of the Petition mentioned property, he accepted the terms and conditions of the sanctions, loan agreement and created a Mortgage by Deposit of Title Deeds dated 05.05.2023 and extension Mortgage by Deposit of Title Deeds dated 12.05.2023 in favour of the Petitioner Bank in respect of Petition mentioned Property for the loan availed by her as security for the prompt repayment of the loan availed by the 1st Respondent with interest, over their immovable Property.

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 Account of the Respondents was classified as Non Performing Assets on 08.09.2024 in terms of Reserve Bank of India guidelines and in terms of Section 2(O) "The Sarfaesi Act 2002". Since the Respondents failed to discharge the liability despite repeated demands, the Petitioner was constrained to invoke the provisions of the Sarfaesi Act 2002 to enforce the security interest created by the 1st Respondent over the Schedule of Properties in favour of the Petitioner Bank. Accordingly the Authorised Officer of the Petitioner Finance issued a Statutory

Demand Notice dated 17.10.2024 u/s.13(2) of Sarfaesi Act 2002 to the Respondents calling upon them to make a payment of a sum of Rs.26,39,036/- for both accounts as on 01.10.2024 together with contractual interest thereon within 60 days from the date of the receipt of the notice. The said Notice which was served to the Respondents, though the Respondents neither raised any objections nor complied the Demand made in notice. There was no reply from the Respondents on receiving the Demand notice.

4. 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. The Petitioner 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 02.01.2025, subsequently Possession Notice was affixed in the Schedule of Property by the Petitioner and also publication of the said Possession Notice was made on 08.01.2025 in the New Indian Express and also in Tamil News paper named Dinamani. The outstanding balance of the said loan as on 25.02.2025 is Rs.25,93,192/- for loan A/c.No.SEVLORE0422400 and Rs.2,00,000/- for loan A/c.No.200001998347, totally Rs.27,93,192/-.

5. As of today to their knowledge no proceeding is pending before any other forum in so far as the Respondent's loan Account is concerned. No proceedings are pending before the DRT or any other forum as well no stay granted by DRT or any other forum pertaining to the above borrowers/Respondents in respect of the Secured Asset mentioned in the petition schedule property. This Petition was filed within the period of limitation under the Limitation Act,1963. No tenant is residing in the schedule properties. The Respondents are influential persons in the

locality and the Petitioner apprehends that the Respondents would necessarily prevent, resist the Petitioner from peacefully exercising its statutory right of repossessing the schedule mentioned property. Hence this Petition.

6. 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.P16 marked as documents on the side of the Petitioner. Copy of Authorization Letter dated 26.07.2021 along with the copy of Identity Card of PW1 is marked as Ex.P1, Copy of the Loan Application dated 15.02.2023 is marked as Ex.P2, Copy of the Loan Application dated 10.05.2023 is marked as Ex.P3, Copy of Sanction letter dated 27.03.2023 is marked as Ex.P4, Copy of Sanction letter dated 15.05.2023 is marked as Ex.P5, Copy of Loan Agreement dated 27.03.2023 is marked as Ex.P6, Copy of Loan Agreement dated 15.05.2023 is marked as Ex.P7, Copy of Memorandum of Deposit of Title Deeds in Doc.No.3211/2023 dated 05.05.2023 is marked as Ex.P8, Copy of Additional Memorandum of Deposit of Title Deeds dated 12.05.2023 is marked as Ex.P9, Copy of Sale deed dated 17.06.1990 in Doc.No.1432/1990 is marked as Ex.P10, Demand Notice u/s.13(2) of Sarfaesi Act dated 17.10.2024 is marked as Ex.P11, Copy of Possession Notice dated 02.01.2025 is marked as Ex.P12, Photo for affixing Possession Notice is marked as Ex.P13, Paper Publication in 'Dinamani' (Tamil daily) and 'Indian Express' (English Daily) dated 08.01.2025 is marked as Ex.P14, Copy of Encumbrance Certificate from 01.01.2022 to 26.10.2025 dated 27.10.2025 is marked as Ex.P15, Copy of Account Statement is marked as Ex.P16.

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 and Ex.P3 Loan Applications dated 15.02.2023 and 10.05.2023, Ex.P4 and Ex.P5 Sanction Letters dated 27.03.2023 and 15.05.2023, Ex.P8 Memorandum of Deposit of Title Deeds dated 05.05.2023 in Doc.No.3211/2023 and Ex.P9 Additional Memorandum of Deposit of Title Deeds dated 12.05.2023 that the Respondents had availed loan from the Petitioner Finance Bank by mortgaging the schedule mentioned property. It is evident that Ex.P11 Demand Notice u/s.13(2) of Sarfeasi Act dated 17.10.2024, 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. Further Ex.P12 Possession Notice dated 02.01.2025 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 and the same was published in ‘Dinamani’ (Tamil Daily) and “The New Indian Express” (English daily) dated 08.01.2025 as per Ex.P14.

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 1st Respondent in accordance with the provisions of Sarfaesi ACT.

9. In fine, **Mr.S.P.Thamarai Selvan, MS.No.2548/2009** 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.25,000/- is ordered as Remuneration to the Advocate Commissioner in which Rs.10000/- 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 06.12.2025

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 6th day of November, 2025.

Chief Judicial Magistrate,
Ranipet.

Petitioner side witnesses:

PW1- Mr.Boopalan

Petitioner side Exhibits:

Ex.P1 26.07.2021 Copy of Authorization Letter along with the copy of Identity Card of PW1
Ex.P2 15.02.2023 Copy of Loan Application

Ex.P3	10.05.2023	Copy of Loan Application
Ex.P4	27.03.2023	Copy of Sanction letter
Ex.P5	15.05.2023	Copy of Sanction letter
Ex.P6	27.03.2023	Copy of Loan Agreement
Ex.P7	15.05.2023	Copy of Loan Agreement
Ex.P8	05.05.2023	Copy of Memorandum of Deposit of Title Deeds in Doc.No.3211/2023
Ex.P9	12.05.2023	Copy of Additional Memorandum of Deposit of Title Deeds
Ex.P10	17.06.1990	Copy of Sale Deed in Doc.No.1432/1990
Ex.P11	17.10.2024	Demand Notice u/s.13(2) of Sarfaesi Act
Ex.P12	02.01.2025	Possession Notice
Ex.P13		Photo for affixing Possession Notice
Ex.P14	08.01.2025	Paper Publication in ‘Dinamani’ (Tamil daily) and ‘The New Indian Express’ (English Daily)
Ex.P15	27.10.2025	Copy of Encumbrance Certificate from 01.01.2022 to 26.10.2025
Ex.P16	17.10.2024	Copy of Loan Account Statement

Chief Judicial Magistrate,
Ranipet.