

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

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

Saturday, the 7th day of February, 2026

**Criminal Miscellaneous Petition No.264/2025
(CNR No. TNRP02-000409-2025)**

M/s. CSB Bank Ltd.,
(Formerly The Catholic Syrian Bank Ltd.)
Having its Asset Recovery Branch at
2nd floor, Siva Complex,
54, Old Post Office Road,
Coimbatore – 641018
Represented by its Authorised Officer,
Mr.Ilangovan,s/o.T. Muniswamy

... Petitioner

-Vs-

1. Mr.J. Balaji (Borrower)
2. Mrs.B. Pallavi (Co-borrower)

... Respondents

This Petition coming before me for hearing on today 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, Ranipet Sipcot 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 Bank Limited who empowered to act under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The 1st Respondent is the borrower and 2nd Respondent is the co-borrower jointly obtained the loan. The 1st Respondent mortgaged property belonged to him. The Petitioner bank has sanctioned a sum of Rs.44,51,052/- as MSME small business loan under loan A/c.No.0407-04308160-656001, the same was disbursed on 12.04.2021.

3. The 1st Respondent being true and absolute owner of the Petition mentioned property, accepted the terms and conditions of the sanctions, loan agreement and created an Mortgage by Deposit of Title Deeds dated 25.06.2021 infavour of the Petitioner Bank in respect of the Petition mentioned schedule property for the loan availed by him as security for the prompt repayment of the loan availed by the 1st Respondent with interest, over their immovable property.

4. 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 02.08.2024 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 properties in favour of the Petitioner finance. Accordingly, the Authorised Officer of the Petitioner Bank issued a statutory Demand Notice dated 03.09.2024 u/s.13(2) Sarfaesi Act, 2002 to the Respondents calling upon them to make a repayment of a sum of Rs.40,93,282/- as on 02.09.2024 with contractual interest thereon within 60 days from the date of the receipt of the notice. The said notice was duly served to the Respondents.

5. Even after the expiry of the Statutory period of 60 days from the date of receipt of Demand Notice, the Respondents inspite of having knowledge about the constructive notice, they have failed to neglect to make payment and they have raised any objection on Demand Notice. 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 06.12.2024 and possession notice was affixed in the schedule property by the Petitioner and Publication of the said Possession had effected in “The New Indian Express” (English daily) and “Dinamani” (Tamil daily) on 11.12.2024.

6. The outstanding balance of the said loan as on 30.04.2025 is Rs.43,74,274/-. 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 as no stay granted by the DRT or any other forum pertaining to the above borrowers/Respondents in respect of the Secured Asset mentioned in the Petition

schedule property. No tenant is residing in the schedule of Properties. The Petition is filed within the period of limitation and there was no bar from any other court and any order of any forum. 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.

7. On the side of the Petitioner, the Authorized Officer/Collection Manager of the Petitioner's Finance Bank Limited was examined as PW1 and PW1 had adduced evidence by filing Proof Affidavit and Ex.P1 to Ex.P14 marked as documents on the side of the Petitioner. Copy of Certificate of Incorporation pursuant to change of name dated 10.06.2019 is marked as Ex.P1, Copy of Authorization Letter dated 28.05.2025 is marked as Ex.P2, Copy of Identity card of the PW1 is marked as Ex.P3, Copy of Loan Application dated 23.03.2021 is marked as Ex.P4, Copy of Loan Sanction Letter dated 07.04.2021 is marked as Ex.P5, Copy of Loan Agreement dated 07.04.2021 is marked as Ex.P6, Copy of Memorandum of Deposit of Title Deeds in Doc.No.5031/2021 dated 25.06.2021 is marked as Ex.P7, Copy of Sale Deed in Doc.No.4197/2013 dated 27.05.2013 is marked as Ex.P8, Copy of Demand Notice u/s.13(2) of Sarfaesi Act dated 03.09.2024 along with the copy of Acknowledgment card are marked as Ex.P9, Copy of Possession Notice dated 06.12.2024 along with Acknowledgment card are marked as Ex.P10, Copy of Photograph for affixing Possession Notice is marked as Ex.P11, Paper Publication in "The New Indian Express" (English Daily) and "Dinamani" (Tamil Daily) dated 11.12.2024 is marked as Ex.P12, Copy of Encumbrance Certificate dated 24.03.2021 and 13.05.2025 is marked as Ex.P13, Copy of Statement of Account dated 28.01.2025 is marked as Ex.P14.

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.P4 Loan Application dated 23.03.2021, Ex.P5 Sanction Letter dated 07.04.2021, Ex.P7 Memorandum of Deposit of Title Deeds dated 25.06.2021 in Doc.No.5031/2021 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 05.02.2025, 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 and even then Respondents have failed to repay the amount due. Furthermore Ex.P10 Copy of Possession Notice dated 06.12.2024 reveals that after the Demand Notice under Section 13(2) of the Act, the Petitioner Finance Ltd., had issued the Possession Notice under Section 13(4) of the Act and the same was published in “The New Indian Express” (English daily) and “Dinamani” (Tamil daily) dated 09.05.2025 as per Ex.P12.

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.Srinivasan, MS.No.7851/2021** 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.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 09.03.2026

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 7th day of February, 2026.

Chief Judicial Magistrate,
Ranipet.

Petitioner side witnesses:

PW1- Mr.Ilangovan

Petitioner side Exhibits:

Ex.P1	10.06.2019	Copy of Certificate of Incorporation pursuant to the name change
Ex.P2	28.05.2025	Copy of Authorization letter
Ex.P3		Copy of Identity card of PW1
Ex.P4	23.03.2021	Copy of Loan Application
Ex.P5	07.04.2021	Copy of Loan Sanction letter
Ex.P6	07.04.2021	Copy of Loan Agreement
Ex.P7	25.06.2021	Copy of Memorandum of Deposit of Title Deeds in Doc.No.5031/2021
Ex.P8	27.05.2013	Copy of Sale deed in Doc.No.4197/2013
Ex.P9	03.09.2024	Copy of Demand Notice u/s.13(2) of Sarfaesi Act along with copy of Acknowledgment cards
Ex.P10	06.12.2024	Copy of Possession Notice along with copy of Acknowledgment card
Ex.P11		Copy of Photograph for affixing possession notice
Ex.P12	11.12.2024	Paper Publication in “The New Indian Express” (English Daily) and “Dinamani” (Tamil Daily)
Ex.P13	24.03.2021 13.05.2025	Copy of Encumbrance Certificate
Ex.P14	28.01.2026	Copy of Loan Account Statements

Chief Judicial Magistrate,
Ranipet.