

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

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

Thursday, the 22nd day of January, 2026

**Criminal Miscellaneous Petition No.274/2025
(CNR No.TNRP02-000425-2025)**

M/s. Hinduja Housing Finance Limited
Rep. By its Authorized Officer
Mr.D.Sugumar
Having Registered office at No.27-A,
Developed Industrial Estate,
Guindy, Chennai, Tamil Nadu – 600 032,
And one of its Branch Office at
No.167-169, Ground Floor,
Anna Salai, Guindy, Chennai,
Tamil Nadu- 600 032.

... Petitioner

-Vs-

1. Mrs.Gowri A, A/54 (Borrower)
W/o. Arumugam
2. Mr.Arumugam, A/64 (Co-Borrower)
S/o. Munusamy
Both residing at No.22, Mettu Street,
Sayavaram Post, Pudukandikai,
Thiruvallur, Tamil Nadu-631 051.

... Respondents

This Petition coming before me for hearing on 09.01.2026 in the presence of Mr.A.Rajavel, 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 concern Nemili Police Station having jurisdiction 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 and to give suitable direction or orders to the concern Nemili Police Station Police Station having jurisdiction to assist Advocate Commissioner/Petitioner to evict the occupants of the schedule of properties and if so required break open the lock of the schedule property and to deliver the physical possession of the schedule property to the petitioner.

Petition Averments in Nutshell:

2. The Petitioner is an Authorized Officer of the Petitioner Company and as such is well acquainted with the facts of the case and is authorized to swear this affidavit. The operations of the Petitioner Company are subject to Reserve Bank of India's guidelines and regulations. The Petitioner is a "Financial institution" governed by the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as Act). The Petitioner is classified as "Financial Institution" for the purpose of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 vide notification dated 22.01.2018 of Department of Financial Services, Ministry of Finance, Govt of India.

3. The 1st Respondent as the Borrower and the 2nd Respondent as a Co-Borrower had approached the Petitioner for Home Loan vide loan application dated 03.01.2022. Based on the representation and warranties made by the Respondents, the Petitioner has sanctioned the Home Loan to the Respondents vide Sanction Letter dated 12.02.2022 and the Respondents had entered into loan agreement vide Loan Agreement No.TN/KCP/TLLR/A000000248 dated 12.02.2022 for Housing Loan to the tune of Rs.8,00,000/- on the terms and conditions set out on the sanction letter and loan agreement in agreeing to repay the loan in 120 EMI's at floating rate of interest being 16% p.a containing the terms and conditions of the loan agreement and thereafter the 2nd Respondent executed other relevant documents in favour of the Petitioner, wherein certain terms and conditions, upon which the loan facility was sanctioned, were recorded therein. The 2nd Respondent have also provided security of the assets to secure the repayment of the said loan by the Respondents deposited the title deeds namely Sale Deed Doc.No.528/1987 dated 01.09.1987 and executing registered Memorandum of Deposit of Title Deeds daed 25.02.2022 bearing Document No.466/2022 on the file of Sub-Registrar Office, Nemili. The property situated at Sayinapuram Village, Arakkonam Taluk, Ranipet District, Nemili Sub Registration District, Arakkonam Registration District and more fully described in the schedule mentioned in the Petition and the claim of the Petitioner is within the limitation period.

4. The Respondents failed to adhere to the terms of the loan agreement as agreed and defaulted, failed, neglected to make the payments under the loan agreement as agreed. Since the Respondents committed default in payment under the credit facilities as agreed the Petitioner had classified the Respondents account as Non Performing Asset in the books of accounts on 05.04.2025 within

the meaning of Section 2(o) of the Act and issued Statutory Notice under Section 13(2) of the Act on 24.04.2025 calling upon the Respondents to discharge their liabilities in full within 60 days from the date of receipt of the said notice. The above said notice was sent to the Respondents on 28.04.2025 and the Notice was served to the Respondents on 29.04.2025. The Respondents in spite of having knowledge about the constructive notice have failed to repay and neglected to make payment. The provisions of this Sarfaesi Act and the rules made there under had been complied with.

5. 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. Being the secured creditor upon default by the borrowers after statutory notice under Section 13(2) of the Act, they are entitled to proceed against the borrowers under Section 13(4) of the Act to take possession of the secured Asset and as such the Petitioner issued Possession Notice dated 19.08.2025. The above said Notice was sent to the Respondents on 23.08.2025 and the said notice was served to Respondents on 25.08.2025. The Petitioner effected Paper Publication in respect of the Possession Notice on 25.08.2025 in English News Paper “ Business Standard” and Tamil News Paper “ Hindu Tamil” and also affixed the Possession Notice in the schedule mentioned Property. The Provisions of the Sarfaesi Act and the rules made there under had been complied with. There are no proceedings pending before any other forum in so far as the Respondent’s loan accounts are concerned. There are no tenants in the said property. The outstanding balance of the said loan Agreement No.TN/KCP/TLLR/A000000248 as on 24.04.2025 as per Demand Notice is a sum of Rs.7,23,143/-.

6. The liability as per the Demand Notice which is more than 20% of the principal amount. Hence exemption under sec 31(j) of the Sarfaesi Act is not applicable. 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 properties. As of today to his knowledge no proceedings are pending before the DRT or any other forum pertaining to the above borrowers/Respondents and the Secured Asset. No tenant is residing in the Petition schedule properties. As of today there is 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. Hence this Petition.

7. On the side of the Petitioner, the Authorized Officer of the Petitioner's Finance Limited was examined as PW1 and PW1 had adduced evidence by filing Proof Affidavit and Ex.P1 to Ex.P15 marked as documents on the side of the Petitioner. Copy of Incorporate Certificate of Registration dated 30.09.2015 is marked as Ex.P1, Copy of Authorization Letter dated 07.05.2024 is marked as Ex.P2, Copy of Loan Application dated 03.01.2022 is marked as Ex.P3, Copy of Final Sanction Letter dated 12.02.2022 is marked as Ex.P4, Copy of Loan Agreement dated 18.02.2022 is marked as Ex.P5, Copy of Sale Deed in Doc.No.528/1987 dated 01.09.1987 is marked as Ex.P6, Copy of Memorandum of Deposit of Title Deeds in Doc.No. 466/2022 dated 25.02.2022 is marked as Ex.P7, Demand Notice u/s.13(2) of Sarfaesi Act dated 24.04.2025 along with copy of Acknowledgment cards are marked as Ex.P8, Copy of Postal Track Consignment Report dated 29.04.2025 is marked as Ex.P9, Copy of Possession Notice dated 19.08.2025 along with Postal Receipts are marked as Ex.P10, Copy of Postal Track Consignment Report dated 25.08.2025 is marked as Ex.P11, Paper Publication in "Hindu Tamil" (Tamil Daily) and 'Business

Standard” (English Daily) dated 25.08.2025 is marked as Ex.P12, Copy of Photograph for affixing Possession Notice is marked as Ex.P13, Copy of Statement of Account is marked as Ex.P14, Copy of Encumbrance Certificate dated 12.09.2025 is marked as Ex.P15.

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.P3 Loan Application dated 03.01.2022, Ex.P4 Sanction Letter dated 12.02.2022, Ex.P7 Memorandum of Deposit of Title Deeds dated 25.02.2022 in Doc.No.466/2022 that the Respondents had availed loan from the Petitioner Finance Bank by mortgaging the schedule mentioned property. It is evident that Ex.P8 Demand Notice u/s.13(2) of Sarfaesi Act dated 24.04.2025, 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 25.08.2025 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 ‘Business Standard’ (English daily) and “Hindu Tamil” (Tamil daily) dated 25.08.2025 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 2nd Respondent in accordance with the provisions of Sarfaesi ACT.

10. In fine, **Mr.Baskaranarjunan, MS.No.1585/2017** 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 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 23.02.2026

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 22nd day of January, 2026.

(S/d) A. Daoudh Ammal,
Chief Judicial Magistrate,
Ranipet.

Petitioner side witnesses:

PW1- Mr.Sugumar

Petitioner side Exhibits:

Ex.P1	30.09.2015	Copy of Incorporate Certificate of Registration
Ex.P2	07.05.2024	Copy of Authorization Letter
Ex.P3	03.01.2022	Copy of Loan Application
Ex.P4	12.02.2022	Copy of Final Sanction Letter
Ex.P5	18.02.2022	Copy of Loan Agreement
Ex.P6	01.09.1987	Copy of Sale Deed in Doc.No.528/1987
Ex.P7	25.02.2022	Copy of Memorandum of Deposit of Title Deeds in Doc.No.466/2022
Ex.P8	24.04.2025	Demand Notice u/s.13(2) of Sarfaesi Act along with copy of Acknowledgment cards
Ex.P9	29.04.2025	Copy of Postal Track Consignment Report
Ex.P10	19.08.2025	Copy of Possession Notice along with Postal Receipts
Ex.P11	25.08.2025	Copy of Postal Track Consignment Report
Ex.P12	25.08.2025	Paper Publication in “Hindu Tamil” (Tamil Daily) and ‘Business Standard” (English Daily)
Ex.P13		Copy of Photograph for affixing Possession Notice
Ex.P14		Copy of Statement of Account
Ex.P15	12.09.2025	Copy of Encumbrance Certificate

(S/d) A. Daoudh Ammal.,
Chief Judicial Magistrate,
Ranipet.