

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET

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

Friday, the 27th day of March, 2026

**Criminal Miscellaneous Petition No.37/2026
(CNR No.TNRP02-000449-2025)**

M/s. Hinduja Housing Finance Limited
Rep by its Authorized Officer Mr.D.Sugumar,
aged about 30 years, Cluster Legal Manager,
Having Registered Office at No.27-A,
Developed Industrial Estate, Guindy,
Chennai, Tamil Nadu – 600 032,
and one of its Branch Office at
No.69, 2nd Floor, Vallal Pachaiyappan Street,
Kanchipuram, Kanchipuram District – 631 501.

... Petitioner

-Vs-

1. Mr. K.Selvam
2. Mrs.Thenmozhi

... Respondents

This Petition coming before me for hearing on today in the presence of Mr.K.Arivazhagan, 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 issue necessary direction are 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 the Possession of the Secured Asset to an 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 Advocate Commissioner if necessary shall take assistance from the Sholinghur Police Station, Sholinghur Taluk, Ranipet District and Revenue officials for effective takeover of the schedule mentioned secured asset and also with direction of the Inspector of Police, to provide necessary Police Assistance at the request of the Advocate Commissioner.

Petition Averments in Nutshell:

2. The Petitioner is an Authorized Officer of the Petitioner Company and as such am well Acquainted with the facts of the case. The operations of the Petitioner Company are subject to Reserve Bank of India's guidelines and regulations. The Petitioner company is a "Financial Institution" governed by the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002(herein after referred to as Act). The Petitioner company is classified as "Financial Institution" for the purpose of Securitization 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 and 2nd Respondent as borrower, the other person as a co-borrower had approached Petitioner Company for Home loan against the property vide Loan Application dated 06.12.2022. Based on the representations and warranties made by the borrowers, the Petitioner company has sanctioned the Home loan to borrowers vide Sanction Letter dated 30.12.2022 the same day borrowers has entered into loan Agreement vide Loan Application

No.TN/CHN/KNPR/A000000666 for Housing Loan to the tune of Rs.14,50,000/- part and parcel of the Loan application and loan agreement filed herewith the borrowers agreed to repay the loan in EMI's containing the terms and conditions of the loan agreement was approved and disbursed by the Petitioner company and also borrower executed other relevant documents in favour of the Petitioner company wherein certain Terms and conditions, upon which the loan facility was sanctioned, were recorded therein. Borrowers provided security of the assets to secure the repayment of the said loan and the 1st Respondent deposited the Title Deeds namely the Sale Deed (in favour of the 1st borrower) dated 26.09.2018 bearing Document No.91/2023 and the 1st Respondent executing Registered Memorandum of Deposit of Title Deeds dated 12.01.2023 bearing Document No.94/2023 and more fully described in the schedule of property mentioned in the Petition and the claim of the Petitioner company is within the limitation period.

4. The Respondents failed to adhere to the terms of the loan agreement and defaulted in payments of monthly installments. Since the Respondents committed default in payment of installments the Petitioner had classified the Respondents account as Non-Performing Asset on 06.08.2024 within the meaning of Section 2(o) of the Act and issued statutory notice u/s.13(2) of the Act on 22.08.2024 in calling upon the Respondents to discharge their liabilities in full within 60 days from the date of receipt of the said notice. The said Notice was sent to the Respondents on 06.05.2024. The above notice was served and served acknowledgment cards filed herewith furthermore the Borrowers did not send any legal notice, no representation and objection regarding above said demand notice to the Petitioner company. The Respondents inspite of having knowledge about the constructive notice have failed to neglect to make payment. The Provisions of the Sarfaesi Act and the rules made there under had been complied with. The Respondents have not made any reply to the same.

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. That being the Secured creditor upon default by the borrower after statutory notice under Section 13(2) of the Act, they are entitled to proceed against the borrower under Section 13(4) of the Act to take possession of the Secured Asset and as such the Petitioner issued on 06.11.2024. The above said notice was sent to the borrowers on 09.11.2024. The above said notice was served to borrowers. Further the Respondents did not send any legal notice, no representation and objection regarding above said possession notice to the Petitioner company. The Paper publication had effected in English Daily “Financial Express” and “Hindu Tamil” (Tamil Daily) on 12.11.2024. The said copy of Possession Notice was also pasted 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 Respondents loan accounts are concerned. There are no tenants in the said property. The outstanding balance of the said loan Application No.TN/CHN/KNPR/A000000666 as on 22.08.2024 as per Demand Notice is sum of Rs.14,24,261/- and at the time of filing this Petition the latest outstanding balance as on 03.10.2025 as per the statement of account is Rs.13,28,254/-

6. The liability as per the Demand Notice which is more than 20% of the principle amounts. 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 my 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 mentioned properties. As of today there is no stay granted by DRT or any other forum pertaining to the above said borrowers/Respondents in respect of the Secured Asset mentioned in the Petition schedule property. 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/Legal Manager 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 Certificate of Registration dated 30.09.2015 is marked as Ex.P1, Copy of Authorization letter dated 07.05.2024 and copy of Identity card of PW1 is marked as Ex.P2, Copy of Loan Application dated 06.12.2022 is marked as Ex.P3, Copy of Sanction Letter dated 30.12.2022 is marked as Ex.P4, Copy of Loan Agreement dated 30.12.2022 is marked as Ex.P5, Copy of Sale Deed in Doc.No.91/2023 dated 12.01.2023 is marked as Ex.P6, Copy of Memorandum of Deposit of Title Deeds in Doc.No.94/2023 dated 12.01.2023 is marked as Ex.P7, Copy of Demand Notice u/s.13(2) of Sarfaesi Act dated 22.08.2024 along with copy of Postal receipts are marked as Ex.P8, Copy of Acknowledgment cards is marked as Ex.P9, Copy of Possession Notice along with the copy Postal receipts dated 06.11.2024 is marked as Ex.P10, Copy of Acknowledgment Cards for possession notice is marked as Ex.P11, Paper Publication in "Financial Express" (English Daily) and "Hindu Tamil" (Tamil Daily) dated 12.11.2024 is marked as Ex.P12, Copy of Photograph for affixing Possession Notice is marked as Ex.P13, Copy of Account Statement dated 03.10.2025 is marked as Ex.P14, Copy of Encumbrance certificate dated 05.10.2025 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 06.12.2022, Ex.P4 Sanction Letter dated 30.12.2022, Ex.P7 Memorandum of Deposit of Title Deeds dated 12.01.2023 in Doc.No.94/2023 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 22.08.2024, 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 and even then Respondents have failed to repay the amount due. Further Ex.P10 Copy of Possession Notice dated 06.11.2024, 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 “Financial Express” (English daily) and “Hindu Tamil” (Tamil daily) dated 12.11.2024 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.J.Rajendiran, MS.No.1963/2004** 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 27.04.2026

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 27th day of March, 2026.

Chief Judicial Magistrate,
Ranipet.

Petitioner side witnesses:

PW1- Mr.D.Sugumar

Petitioner side Exhibits:

- Ex.P1 07.11.2024 Copy of Certificate of Registration
Ex.P2 07.05.2024 Copy of Authorization letter and copy of Identity card of
PW1
Ex.P3 06.12.2022 Copy of Loan Application
Ex.P4 30.12.2022 Copy of Sanction Letter

Ex.P5	30.12.2022	Copy of Loan Agreement
Ex.P6	12.01.2023	Copy of Sale Deed in Doc.No.91/2023
Ex.P7	12.01.2023	Copy of Memorandum of Deposit of Title Deeds in Doc.No.94/2023
Ex.P8	22.08.2024	Copy of Demand Notice u/s.13(2) of Sarfaesi Act along with copy of Postal receipt
Ex.P9	--	Copy of Acknowledgment cards
Ex.P10	06.11.2024	Copy of Possession Notice along with the copy Postal receipts
Ex.P11		Copy of Acknowledgment cards
Ex.P12	12.11.2024	Paper Publication in “Financial Express” (English Daily) and “Hindu Tamil” (Tamil Daily)
Ex.P13	--	Copy of Photograph for affixing Possession Notice
Ex.P14	03.10.2025	Copy of Account Statement
Ex.P15	05.10.2025	Copy of Encumbrance certificate

Chief Judicial Magistrate,
Ranipet.