**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM**

Present: Tmt. S. Mahalakshmi, B.Sc., LL.M.,
Chief Judicial Magistrate.

Tuesday, the 18th day of August 2026

Crl.M.P. No.562/2026

(CNR.No.TNTJ18-000997-2026)

Truhome Finance Ltd.,
(Formerly known as Shriram Housing Finance Limited),
Branch office at Kumbakonam,
represented by its Authorized Officer
Mr.Suman, S/o.Panchanathan – Petitioner

/ Vs /

1. Mr.Senthilkumar, S/o.Manoharan

2. Mrs.Rajapriya, W/o.Senthilkumar – Respondents

This petition is coming before me on today for hearing in the presence of M/s.R.Kasthuri, Counsel for the petitioner and upon hearing the arguments of Petitioner and upon perusing the case records and having stood over for consideration till this date, this Court pronounced the following

O R D E R

This petition was filed by the Petitioner / Company seeking for the relief U/s. 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 to appoint an Advocate-Commissioner to take possession of the schedule mentioned property from the Respondents and empower to Advocate-Commissioner to break open the buildings and issue appropriate directions to Inspector of Police, Madhukoor Police Station, Thanjavur District to assist to evict the occupants of the schedule property and handover possession of the suit property to the Petitioner and for other relief.

2. The Brief averments of the Petition :

The Petitioner Company is public limited company duly incorporated under Chapter III B of the Reserve bank of India Act, 1934 and chapter V of the national Housing Bank Act, 1987 and engaged the business of banking under the name and style of Truhome Finance Limited (Earlier known as Shriram Housing Finance Limited) is company incorporated under the companies Act 1956. Mr.Suman, S/o.Panchanathan, is the Authorized Officer nominated by the company under the SARFAESI Act, 2002 to represent on behalf of the Bank. The Respondents have applied LAP loan of Rs.50,00,000/- and Rs.13,74,135/- vide Loan No.SLPHKMBM000134 and No.SLPHKMBM0000304 on 29.03.2023 and 18.03.2024. The respondents are executed Loan Agreement on 29.03.2023 and 18.03.2024. The 1st respondent is the absolute owner of the schedule mentioned property. Then 1st respondent has mortgaged the said property in favour of the petitioner company by way of registered Memorandum of Deposit of Title Deed dated on 06.04.2023 vide Doc. No.744/2023 and on 25.03.2024 vide Doc. No.668/2024. The Respondents failed to repay the loan to the Petitioner and committed default in repayment of loans. Due to non-payment of the loan, the accounts have been classified as Non-Performing Asset (NPA) on 05.04.2025. Therefore on 10.04.2025 the petitioner has issued a Demand Notice to the respondents as contemplated under Section 13(2) of SARFAESI Act calling upon them to repay the

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loan amount of Rs.54,84,036/- and Rs.14,97,777/- to the petitioner within 60 days. The respondents duly received the demand notice. The Respondents, have not discharged the liability due to the petitioner. The respondents willfully default in repayment of loan amount. Subsequently, the Petitioner had issued Symbolic Possession notice under Section 13(4) of the Act on 19.06.2025. The Petitioner Company published the Possession notice in vernacular language Tamil daily in "Tamil Murasu" and another one in English daily in "Business standard" on 24.06.2025. The respondents willfully default in repayment of loan amount. As such the Petitioner is entitled to enforce their rights in the schedule mentioned property under section 13(4) of the SARFAESI Act. The respondents willfully default in repayment of loan amount. Since the respondents committed default and non-compliance of Section.13(2) of SARFAESI Act notice, the Petitioner is entitled for reliefs under Section 13(4) of SARFAESI Act. Thus the Petitioner prays for the reliefs as prayed in the petition.

3. On the side of the Petitioner, one Mr.Suman, S/o.Panchanathan, Authorized Officer was examined as PW-1. Ex.P.-1 to Ex.P.-22 were marked on the side of the Petitioner.

4. Point for consideration:

1. Whether the Petitioner is entitled for appropriate reliefs as against the Respondents under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002?

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5. On the Point:

Heard, Petition and case records are carefully perused. In respect of schedule mentioned property possession notice dated 19.06.2025 was send already as per the requirement made in the provision. This Court rely on the recent decision of Hon'ble High Court, Madras in W.P.No.10348/2021. The relevant portion of the Judgment is extracted hereunder for better appreciation.

> *"...Accordingly, W.P.No.10348 of 2021 is disposed of by requesting the Chief Judicial Magistrate, Villupuram to dispose of the petitioner's request for executive assistance in accordance with law within a period of six weeks from date of receipt of a copy of this order. It is clarified that notwithstanding the nature of the duties generally discharged by a Chief Judicial Magistrate, when a request under Section 14 of the said Act is carried to such officer, no adjudication is required to be undertaken in disposing of such request...."*

Further the Hon'ble High Courts also concluded that the nature of work by the Chief Judicial Magistrate in respect of relief under section 14 of the SARFAESI Act is not an adjudicatory in nature and relates to executive in nature. With this pretext, this Court proceeds with the matter within the frame work of Law.

6. On verifying the documents Ex.P.1 is the Authorization letter which ensures the Mr.Suman, S/o.Panchanathan was nominated by the Petitioner / Company under the SARFAESI Act as Authorized officer, Ex.P.2 is the Certificate of

Incorporation pursuant to change of name on 20.12.2024. Ex.P.3 is the Gazette copy dated 18.12.2015. Ex.P.4 is the copy of Registration certificate DOR-00094 issued by the Reserve Bank of India on 08.01.2025. The petitioner/Company Sanctioned loan to the respondents through Ex.P.5 and Ex.P.6 on 29.05.2023 and on 18.03.2024. After availed the said loans the Respondents executed loan agreement through Ex.P.7 and Ex.P.8 on 29.03.2023 and on 22.03.2024. The 1st respondent is the absolute owner of the schedule of property through Ex.P.9 is the Settlement deed dated 29.11.2022 and the same was mortgaged with the Petitioner Bank, by the deposit of original title deeds as security for the said loan amount. After availing the loan, the 1st Respondent executed Ex.P.10 and Ex.P.11 the Memorandum of deposit of title deeds on 06.04.2023 vide Doc. No.744/2023 and on 25.03.2024 vide Doc. No.668/2024. After availing loan the respondents fail to repay the loan amount. Hence the said loan account was declared as Non performing Assets. So the Petitioner Bank issued Ex.P.13 Demand notice on 10.04.2025 to the respondents and the same were served to the respondent through Ex.P.14 Acknowledgement card. Thereafter, as the Respondents did not pay the due, the petitioner Bank issued Ex.P.15 Possession notice on 19.06.2025 and the same was served to the respondent through Ex.P.16 acknowledgment cards. Possession Notice also issued through Paper publication vernacular language Tamil daily in "Tamil Murasu" and another one in English daily in "Business Standard" on 24.06.2025 through Ex.P.17. Ex.P.18 is the possession notice affixed photo copy. The respondents never raise any objection subsequent to the Demand notice dated 10.04.2025.

7. Further the Respondents default in payment of loan amount which is proved through Ex.P.19 and Ex.P.20 statement of accounts. Ex.P.21 and Ex.P.22 is the foreclosure report dated 30.06.2025. The documents Ex.P.1 to P.12 proved the petitioner claim. Therefore, this court comes to the conclusion that the Petitioner is entitled to the reliefs as prayed for. Accordingly, the Point is answered in favour of the Petitioner.

8. In the result, the petition under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is allowed with following terms:

1) Ms. K. Karthika, Advocate (Enrollment No. M.S. No.8385/2022 - Mobile No.9003326265) is appointed as Advocate-Commissioner with following tasks :

i) To inspect the schedule of properties.

ii) To take physical possession of schedule of properties with inventories.

iii) After taking inventories, handover the possession of schedule of properties to the Petitioner - Bank / Secured Creditor.

iv) In the event of any ambiguity or clarification while executing the orders of this Court, the learned Advocate-Commissioner is at liberty to approach this Court by way presenting Clarification memo.

v) In the event of any obstruction, the learned Advocate-Commissioner is hereby permitted to break open and took possession of the schedule property.

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vi) A sum of **Rs. 20,000/-** is fixed as remuneration to the learned Advocate-Commissioner and the Petitioner – Bank is directed to deposit a sum of **Rs.20,000/-** to the Court.

vii) After depositing the remuneration by the Petitioner – Bank, the learned Advocate-Commissioner shall fix a day for execution.

viii) The Report shall be filed at the earliest point of time.

ix) On filing Report before this Court, the learned Advocate Commissioner is entitled to get the remuneration of Rs.20,000/- from the Court by filing necessary application.

// Dictated by me to the Steno-Typist, and directly typed by him in the computer, corrected and pronounced by me in the open court on this 18th August 2026. //

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Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

WITNESS ON THE SIDE OF PETITIONER :			
PW.1	Mr.Suman, S/o.Panchanathan (Authorized Officer)		
EXHIBITS ON THE SIDE OF PETITIONER :			
Ex.No.	**Date**	**Details**	**Type of Document**
Ex.P.1	02.02.2026	Copy of Authorization Letter	Copy
Ex.P.2	20.12.2024	Copy of Certificate of Incorporation	Copy
Ex.P.3	18.12.2015	Copy of Gazette copy	Copy
Ex.P.4	08.01.2025	Copy of Registration Certificate issued by Reserve Bank of India	Copy
Ex.P.5	29.03.2023	Copy of Loan Sanction Letter	Compared with original.
Ex.P.6	18.03.2024	Copy of Loan Sanction Letter	Compared with original.

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Ex.P.7	29.03.2023	Copy of Loan Agreement	Compared with original.
Ex.P.8	18.03.2024	Copy of Loan Agreement	Compared with original.
Ex.P.9	29.11.2022	Copy of Settlement deed	Compared with original.
Ex.P.10	06.04.2023	Copy of Memorandum of Deposit of Title Deeds in favour of Petitioner Company executed by 1st Respondent	Compared with original.
Ex.P.11	25.03.2024	Copy of Memorandum of Deposit of Title Deeds in favour of Petitioner Company executed by 1st Respondent	Compared with original.
Ex.P.12	30.03.2026	Copy of Encumbrance certificate	Compared with original.
Ex.P.13	10.04.2025	Copy of Demand Notice issued to the respondents by the Petitioner Company under section 13(2) of SARFAESI Act	Compared with original.
Ex.P.14	--	Copy of Acknowledgment cards	Compared with original.
Ex.P.15	19.06.2025	Possession Notice issued to the respondents by the Petitioner Bank under section 13(4) of SARFAESI Act	Compared with original.
Ex.P.16	--	Copy of Acknowledgment cards	Compared with original.
Ex.P.17	24.06.2025	Copy of Possession Notice paper publication Tamil and English	Original
Ex.P.18	--	Copy of possession notice affixed photo	Compared with original.
Ex.P.19	01.07.2025	Copy of Statement of Account vide A/c. No.SLPHKMBM0000134	Copy
Ex.P.20	01.07.2025	Copy of Statement of Account vide A/c. No.SLPHKMBM0000304	Copy
Ex.P.21	30.06.2025	Copy of Foreclosure report vide A/c. No.SLPHKMBM0000134	Copy
Ex.P.22	30.06.2025	Copy of Foreclosure report vide A/c. No.SLPHKMBM0000304	Copy

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SCHEDULE OF PROPERTY

i	Survey No.	S.No.532/21, 532/22, 532/24
ii	As per Revenue Record	532/21, 532/22, 532/24
iii	Total Extent	544.5 + 6534 + 9583.2 = 16661.7 sq.ft.,
iv	Door No. (As per Property Tax)	7-38B
v	Location like name of the place, village, city, registration, Sub-District etc.,	55 Athivetti West village, Pattukottai Taluk, Pattukottai Registration District, Madhukkur SRO.
vi	**i) Boundaries for 544.5 sq.ft., of land** North of Sathish plot South of Panchayat Road East of Arivazhagan Plot West of Item 2 property **ii) Boundaries for 6534 sq.ft of land with building** North of Sathish plot South of Panchayat Road East of 1st Item property West of 3rd item property **iii) Boundaries for 9583.2 sq.ft., of land** North of Common pathway South of Panchayat Road East of 2nd Item property West of Vadivelmoorthi, Natarajan plot With all easements rights and pathway	

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