Proceedings of the Chief Judicial Magistrate Court, Tenkasi District.

Present: Tmt.J.Christal Babitha, M.Sc., M.L.,
Chief Judicial Magistrate,
Tenkasi.

Tuesday the 02 day of June 2026

Criminal Miscellaneous Petition No.583/2026

CNR No. TNTS020012152026

Petitioner:	M/s.Hinduja Housing Finance Limited,Tirunelveli Branch through its duly Cluster Legal Manager/Authorized Officer Mr.Mutharasu@Arjun
Respondents	1) P. Lakshmanan (age 32) (Borrower/Applicant) S/o. Ponnusamy 5/99 Swamynathapuram, Keelaneelidanallur, Tirunelveli – 627 953. Tamilnadu
	2) Jeya age 56 (Co-borrower/application) w/o Ponnusamy 5/99 Swamynathapuram, Keelaneelidanallur, Tirunelveli – 627 953. Tamilnadu
	3) Geetha Jayaraj age 32 (Co-Borrower) W/o. Velpandian, 5/99 Swamynathapuram, Keelaneelidanallur, Tirunelveli – 627 953. Tamilnadu

This petition coming for final hearing before me on this court on 21.05.2026 in the presence of Mrs. N. Goma, Advocate for petitioner and upon hearing petitioner side arguments, perusing the petition and other relevant documents, and having stood over for consideration till this day, this court delivered the following,

ORDER

The petitioner namely M/s.Hinduja Housing Finance Limited, Tirunelveli Branch, represented by its Authorised Officer has filed this application under section 14(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 seeking appointment of Advocate Commissioner to take possession of the Secured asset mentioned below....

Schedule of Property

A. As per MODT Doc.No.2854/2021 in the name of 2nd respondent

Tenkasi Registration District, Melaneelithanallur SRO Melaneelithanallur Panchayath Union Melaneelithanallur Panchayath Keelaeelithanallur village Natham ? S.No.439/1A part, Now New Natham S.No.439/25 having extent of 125 square meter land with following boundaries.

North – House belongs to perumal

South – East west street

West – Land belongs to chellapandi

East – House belongs to velusamy

2) The petitioner is a banking company. The deponent is the authorized officer exercising powers on behalf of **M/s.Hinduja Housing Finance Limited,** Tirunelveli Branch,. It transpires that the respondents have availed a banking loan of Rs.6,00,000/- on 17.11.2021 and created an equitable mortgage in favour of the petitioner on 01.12.2021 by depositing title deeds. They have executed a memorandum of deposit of title deeds dated 01.12.2021 confirming the mortgage. But the respondents have committed default in repayment of Principal and Interest. The petitioner has issued demand notice on 25.09.2025 under section 13(2) of SARFEASI Act and 60 days time was granted under notice. The respondent has total outstanding amount Rs.509392/- on 24.09.2025. The outstanding amount as per loan account statement is a sum of Rs.524097/- on 11.02.2026. But the respondents did not send any reply despite receiving the notice. The petitioner has taken symbolic possession of the secured asset on 29.01.2026. The possession notice was duly published in Tamil & English News Paper on 03.02.2026. The Petitioner has also declared that the property is not in possession of any lessee under any valid lease and the same is also confirmed from the encumbrance certificate taken for the period on 26.02.2026. There is no stay or injunction in any court or Tribunals restraining the petitioner bank from taking

possession of the secured assets under the provisions of the sarfaesi act.

3) As per the SARFAESI Act, the petitioner who is the secured Creditor may take possession of the secured asset under section 13 of the said act. The petitioner can file application before this court to seek assistance for taking possession of the property hypothecated. As per the section 14 of the Act, this court can take possession of such Asset and the documents relating thereto from the respondents and forward to the secured creditor.

4) The petitioner contended that the respondents are in possession of the secured Asset and declined to surrender vacant possession of the property to the petitioner and so they have filed this petition seeking assistance of the court for taking possession of the schedule property.

5) Section 14 of the Act does not contemplate any notice to the respondents before passing any order under this section.

6) Considering the above and the documents including the Sanction Letter, MOD, EC and demand notice issued by the petitioner, this court is satisfied that the respondents have defaulted in repayment of loan amount and the loan amount is not barred by limitation and the schedule property offered as security of the loan is located within the jurisdiction of this court. Petitioner proved that there is compelling situation arose for the petitioner to realise the loan amount by taking necessary action for taking actual possession of the secured asset for sale or for transfer. Thus, this court finds for it is necessary to appoint an Advocate Commissioner for identification of the secured Asset and taking possession and if there is any resistance, seek for police assistance and take effective step to have possession of the secured Asset. Described in the schedule after taking proper inventory and also to handover the possession of the property to the petitioner bank, and as such this petition is liable to be allowed.

7) In the result, this Petition is allowed, thereby appointing **Sridharan M.T., M/s.6499/2023, Phone No.9025353020** as an Advocate Commissioner.

1. To inspect the property and prepare a magazar with details of the properties along with photos.
2. Take inventories:
3. Take physical possession from the respondents in the presence of VAO and immediately hand over to the Petitioner / secured creditor
4. If necessary take assistance of Police and Revenue Officials in executing the Warrant.

5. If the secured assets is not in the possession of the respondents intimate to the court about the particulars in whose possession it vests.

A sum of Rs.25,000/- is fixed as remuneration for the said Advocate Commissioner. The petitioner shall give 50% of the said remuneration to the commissioner immediately and 50% at the time of Inspection. **Report by 02.07.2026.**

J CHRISTAL BABITHA
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Date: 2026.06.02 18:58:23 +0530

Chief Judicial Magistrate,
Tenkasi.

Petitioner side Documents:

Ex.P1	25.01.2018	Xerox copy of Ministry of Finance (Department of Financial Services) Notification for Financial Institution for the purpose of Sarfaesi Act.
Ex.P2	28.11.2025	Letter of Authorization (Xerox Copy)
Ex.P3	27.09.2021	Loan Application (Xerox Copy)
Ex.P4	17.11.2021	Loan sanction letter (Xerox Copy)
Ex.P5	17.11.2021	Loan Agreement (Xerox Copy)
Ex.P6	21.06.2021	Settlement Deed Doc.No.1217 of 2021 (Xerox Copy)
Ex.P7	01.12.2021	Memorandum of Deposit of Title Deeds bearing Doc.No.2854 of 2021 (Xerox Copy)
Ex.P8	25.09.2025	Demand Notice and Postal receipt and MO Tracking Report under Section 13(2) of SARFAESI Act (Xerox Copy)
Ex.P9	29.01.2026	Photographs for Affixture of Possession Notice (Xerox Copy)
Ex.P10	29.01.2026	Possession Notice and Postal receipt and Postal Acknowledge card under Sectionl3(4)of SARFAESI Act (Xerox Copy)
Ex.P11	03.02.2026	Under Sectionl3(4)of SARFAESI Act Paper Publication for Possession Notice in TAMIL Paper “HINDUTAMILTHISAI’ (Xerox Copy)
Ex.P12	03.02.2026	Under Section 13(4)of SARFAESI Act Paper Publication for Possession Notice in English Paper" TIMES OF INDIA” (Xerox Copy)
Ex.P13	11.02.2026	Statement of Loan Accounts (Xerox Copy)
Ex.P14	26.02.2026	Encumbrance certificate of MOTD Deed No 2854/2024 Melaneelithanallur Sub Registry. (Online Copy)

J CHRISTAL BABITHA
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Date: 2026.06.02 18:58:28 +0530

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Tenkasi.