



Proceedings of the Chief Judicial Magistrate Court, Tenkasi District.

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

Tuesday the 28 day of April 2026

Criminal Miscellaneous Petition No.1029/2025

CNR.No.TNTS02-005330-2025

Petitioner:	M/s.Equitas Small Finance Bank Ltd., (formerly, Sripuram, Tirunelveli — 627001. No.1-82 E4/11A, SPP Building, 1 st Floor S.N. High Road, Sripuram, Tirunelveli-627001 Represented by its Authorized Officer P.Saravanakumar
Respondents	1) Mr.M.Kumar, S/o.Mr.Muthaiah, No.4/135,PallikoodaStreet, Thuthikulam,Mayamankurichi, Alangulam Taluk, Tenkasi District-627853
	2) Mrs Kasthuri, W/o.Mr.M.Kumar, No.4/135,Pallikooda Street, Thuthikulam,Mayamankurichi, Alangulam Taluk, Tenkasi District-627853

This petition coming for final hearing before me on this court on 17.03.2026 in the presence of E. Shenbaga , 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.Equitas Small Finance Bank Ltd., 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

Tenkasi Registration District, Alankulam Sub Registrar Mayamankurichi Village, Ayan Punjai Survey No.882/2A, Re Survey No. 882/2A5 having extent of Hectare 3.91.02 is plot which has old survey No.882/2 having extent of 3.99.0 hectare (old survey No.882 having extent of 6.83.00 hectare in that middle extent of 50 cents) having measurement of East west of 35.625 feet south north Eastern side : 43.50 feet, south north western side 45 feet which all concludes 1576.406 sq.ft and in sqmtr 146.451 plot having its boundaries

North by – Property belongs to Madasamy

South by – 10 feet wide East to west street

East by – Propety belongs to Marivel

West by – Property belongs to Kumar

A path leading from the road to he said having 10 feet wide facing west common path in that pathing rights also.

2) The petitioner is a banking company. The deponent is the authorized officer exercising powers on behalf of **M/s.Equitas Small Finance Bank Ltd., Tirunelveli Branch,**. It transpires that the respondents have availed a banking loan of Rs.4,80,000/- on 31.01.2023 and created an equitable mortgage in favour of the petitioner on 30.01.2023 by depositing title deeds. They have executed a memorandum of deposit of title deeds dated 30.01.2023 confirming the mortgage. But the respondents have committed default in repayment of Principal and Interest. The petitioner has issued demand notice on 28.04.2025 under section 13(2) of SARFEASI Act and 60 days time was granted under notice. The respondents are liable to pay a sum of Rs.4,34,877/- on 07.08.2025 to the petitioner bank. The respondents are liable to pay a sum of Rs.409260/- on 31.03.2025 with further interest. But the respondents did not send any reply despite receiving the notice. The petitioner has taken symbolic possession of the secured asset on 17.07.2025. The possession notice was duly published in Tamil & English News Paper on 18.07.2025. 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 from

01.01.2010 to 08.08.2025. 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 **A. Pravin, M/s.894/2022, Phone No.9600282634** 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 29.05.2026.**

Chief Judicial Magistrate,
Tenkasi.

Petitioner side Documents:

Ex.P1	29.01.2020	Special Power of Attorney (xerox)
Ex.P2	23.01.2023	Loan application form (xerox)
Ex.P3	30.01.2023	Sanction letter (xerox)
Ex.P4	30.01.2023	Loan Agreement (xerox)
Ex.P5	30.01.2023	Memorandum of Deposit of title deeds executed by the 2 nd respondent to infavour of the petitioner bank. {Doc.No.577/2023) (xerox)
Ex.P6	28.04.2025	Demand Notice ws 13(2) of Sarfaesi Act(Postal Receipt and Track Consignment) (xerox)
Ex.P7	17.07.2025	Possession Notice in terms of Appendix IV read with rule 8(1) of the SARFAESI Act Postal Receipt and Track Consignment) (xerox)
Ex.P8	18.07.2025	Possession Notice Published in Tamil and English daily Newspaper (xerox)
Ex.P9	08.11.2021	The Saledeed executed by Mr.R Manikkam in favour of wife Mrs.Kasthuri his (2 nd respondent) — Doc.No.5949/2021 (xerox)
Ex.P10	07.08.2025	Bank Account Statement (xerox)
Ex.P11	01.01.2010 to 08.08.2025	Encumbrance Certificate (xerox)

Chief Judicial Magistrate,
Tenkasi.