IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUPATHUR, TIRUPATHUR DISTRICT.

Present : **Selvi.M.K.Anusha, M.L.,**
Chief Judicial Magistrate,
Tirupathur.

Wednesday this the 15th day of April 2026
Thiruvalluvar Aandu 2056, Shri Vishwavasu Varudam 02nd day of Chithirai Thingal.

Crl.M.P.No.1009/2026
CNR.No. TNTU020019592026

M/s Equitas Small Finance Bank Limited
No.769, Spencer Plaza,
4th floor, Phase – 2,
Anna Salai, Chennai 600 002.
Represented by its Authorized Officer,
Mr.P.Pargunam S/o. Palani.

.....Petitioner.

// Versus //

1. Mr.Suresh S/o.Rajanbabu,
2. Mr.Rajanbabu S/o. Venkatesan,
3. Mrs.Sarguna W/o. Rajanbabu,

All are residing at No.6/22,
Kasi Street, Ambur, Thirupathur,
Tamil Nadu 635 802.

...Respondents

This petition came up before me for final hearing on 26.03.2026 in the presence of ***M/s.G.Shobana, B.A.,L.L.B.,*** Learned Counsel for the petitioner, after considering the facts and circumstances of the petition considering the materials available records

M K
ANUSHA

M.K.Anusha,
C.J.M., Tirupathur

and after hearing arguments, having stood over for consideration till this day this Court passes the following

ORDER

1.The petitioner i.e., Equitas Small Finance Bank Limited has filed this application 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, forward such assets and documents to the secured creditor the petitioner, issue any appropriate directions and orders to break open the secured asset mentioned in the schedule hereunder, if the same is under lock and key, by the Advocate Commissioner and to take inventory, to direct the Inspector of Police, Ambur Town Police Station 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 pass necessary order or orders deems fit and proper in the given facts and circumstances of the case.

2. The Brief Averments of the Complaint is as follows :-

2.1. The petitioner is Small Finance Bank. The 1st respondent is borrower and others respondents are co-borrowers jointly obtained loan. The 2nd respondent

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:49:57 +0530

M.K.Anusha,
C.J.M., Tirupathur

mortgaged her property belonged to her, the petitioner bank has lastly sanctioned a sum of Rs.15,30,000/- (Rupees Fifteen Lakhs and Thirty Thousand only). Loan application dated 20.07.2021, Sanction letter dated 21.07.2021. Loan agreement dated 22.07.2021. The 2nd respondent true and absolute owner of the petition mention schedule property, she accepted the terms and conditions of the sanctions, loan agreement and created an mortgaged by deposit of title deed dated 21.07.2021. Mortgage confirming deposit of title deed dated 21.07.2021 and Settlement deed dated 28.06.2021.

2.2. The respondents were highly irregular in repaying the installments right from the beginning and committed willful default in the repayment of the loan. The accounts of the respondents was classified as non-performing assets in terms of RBI guidelines and in terms of Sec 2(0) SARFAESI Act 2002 as on 11.05.2025. Since, the respondents failed to discharge the liability despite of repeated demands the petitioner was constrained to invoke the provisions of the SARFAESI Act 2002 to enforce the security interest created by the 2nd respondent over the schedule properties in favour of the petitioner's Finance. Accordingly, the authorized officer of the petitioner finance issued statutory demand notice on 27.05.2025 Under section U/s 13(2) of SARFAESI Act 2002 against the respondents calling upon them to make a payment of Rs.14,21,620/- accounts as on 20.05.2025 together with contractual interest thereon within 60 days from the date of the receipt of the notice.

2.3. Even after the expiry of the statutory period of 60 days from the date of the receipt of Demand notice the respondents in spite of having knowledge about the constructive notice have failed to neglected to make payment. Being the secured creditor upon default by the borrower after statutory notice Under Section 13(2) of the Act. Petitioner's finance 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 possession notice dated 26.09.2025. Subsequently, possession notice was affixed in the schedule property by the petitioner bank and also publication of the said possession notice was made on 30.09.2025 in the New Indian Express and also in Tamil News paper namely Dinamani. The outstanding balance of the said loan as on 07.03.2026 is Rs.14,88,256/- (Rupees Fourteen Lakhs Eighty Eight Thousand Two Hundred and Fifty Six Only). There is no proceeding pending before the DRT or any other forum as well no stay granted by DRT or any other forum pertaining to the above borrowers/respondents in respect of the secured assets mention in the petition schedule property. Hence, the petitioner approached this Court.

3. <u>Proceedings before the Court</u> :-

3.1. After filing this application the same was taken on file after considering the documents filed along with the petition.

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:07 +0530

M.K.Anusha,
C.J.M., Tirupathur

3.2. The Hon'ble High Court in the Judgment reported in 2009 (2) MLJ (Crl) page 246 Indian Overseas Bank Vs M/s Sree Aravindh Steels Limited and others as held as follows

3.3. "CMM/DM acting under section 14 of the NPA Act is not required to give notice either to the borrower or to the 3rd party".

By applying the said principle in the given case no notice is order to the respondent.

3.4. Hence, no notice was served and the application was taken for enquiry. The Authorized Officer **Thiru.P.Pargunam S/o Palani** was examined as PW.1 and documents were marked as **Ex.P.1 to Ex.P.11.**

3.5. The petitioner would submit that the respondent is a chronic defaulter of payment of loan, the said loan was classified as non-performing asset and thereafter notice was issued and in pursuance of the same Symbolic Possession was takeover, now the petitioner seeking assistance of this Court for taking actual possession of the property and he prayed to appoint for Commissioner to assist the petitioner for taking actual possession of the property.

4. <u>Point for Consideration</u> :-

4.1.Whether is this Court has to extend assistance to the Petitioner for taking actual possession of Schedule mentioned property as prayed ?

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:13 +0530

M.K.Anusha,
C.J.M., Tirupathur

4.2. The evidence of PW.1 and the documents marked as Ex.P.1 to Ex.P.11 were carefully perused. The originals of the said were perused and the Xerox copy is alone is marked.

4.3. On perusal of the Ex.P.1 Letter of Authority dated 09.07.2025, Ex.P.2 ID card, Ex.P.3 Loan application form dated 20.07.2021, Ex.P.4 Sanction letter dated 21.07.2021, Ex.P.5 Loan agreement dated 22.07.2021, Ex.P.6 Mortgage confirming deposit of title deed dated 21.07.2021, Ex.P.7 Settlement deed dated 28.06.2021, Ex.P.8 Demand notice with online postal tracker dated 27.05..2025 and 18.07.2025, Ex.P.9 Possession notice U/s.13(4) of SARFAESI Act and publication made in Indian Express and Dinamani for notice U/s.13(4) of Act dated 26.09.2025 and 30.09.2025, Ex.P.10 Account statement dated 07.03.2026, Ex.P.14 Encumbrance Certificate dated 10.03.2026. The respondent after obtaining the loan from the petitioner has failed to repay the loan and the same became non-performing assets. In pursuance of the same demand notices were sent and Symbolic possession was also taken. However, in order to take physical possession of the property the petitioner has come forward with the present application. The petitioner also submitted that no similar petition is pending in any other forum and no stay is granted by any other forum.

4.4. Considering the facts and circumstances of this case, this Court is of the view that the petitioner must be extended assistance for taking physical possession of the

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:17 +0530

M.K.Anusha,
C.J.M., Tirupathur

property. In order to take the physical possession of the property it is necessary to appoint the Advocate Commissioner for the same.

4.5. All the documents marked on the side of the petitioner, and the evidence letin on behalf of the petitioner. It is quite evidence the respondent by mortgaging their property has obtained loan. But, the respondent has not repaid the loan amount and became a defaulter. As the respondent as a security for the loan amount as mortgaged the property in favour of the petitioner, then the petitioner is entitled to realize the loan amount by taking over the property. In order to take physical possession of the property the petition filed by the petitioner is allowed.

In the result, the petition is allowed, as follows

1. Mr.K.Sundharavel, Advocate, Ms.No.1468/2022, Cell No.9442606953 place of practice at Tirupathur as per ID card is appointed as Advocate Commissioner to take physical possession of the secured properties.

2. If necessary, the Advocate Commissioner shall take police protection by submitting written request to the concerned police station house officer by stating reason for the same.

3. A sum of Rs. 30,000/- is ordered as remuneration to the Advocate Commissioner in which Rs.10,000/- has to be paid directly to the Advocate

M.K.Anusha,
C.J.M., Tirupathur

Commissioner by the petitioner initially and the balance of Rs.20,000/- has to be paid on execution of the warrant.

4. The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates and as per law. He Shall execute the warrant within 30 days from the date of issuance of warrant and submit report to this Court.

5. Further, it is strictly instructed to the Learned Advocate Commissioner should follow the direction without any deviation from the lawful execution and to avoid any kinds of collusion or conspiracy with the Respondent till the termination of this legal proceedings.

6. Issue Commissioner Warrant. Call on 15.05.2026.

Directly dictated by me to the Typist and typed by the Computer directly, corrected and pronounced by me in Open Court on the 15th day of April 2026.

M K ANUSHA
Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:26 +0530

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

1. Witnesses on the side of the Petitioner :-

1.	PW.1	Mr.P.Pargunam, Authorized Officer,

M K ANUSHA
Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:31 +0530

M.K.Anusha,
C.J.M., Tirupathur

2. Exhibits on the side of the Petitioner :-

S.No.	EXHIBITS	DESCRIPTION OF THE DOCUMENTS
1.	Ex.P.1	Letter of Authority dated 09.07.2025.
2.	Ex.P.2	ID card.
3.	Ex.P.3	Loan application form dated 20.07.2021.
4.	Ex.P.4	Sanction letter dated 21.07.2021.
5.	Ex.P.5	Loan agreement dated 22.07.2021.
6.	Ex.P.6	Mortgage confirming deposit of title deed dated 21.07.2021.
7.	Ex.P.7	Settlement deed dated 28.06.2021.
8.	Ex.P.8	Demand notice with online postal tracker dated 27.05.2025 and 18.07.2025.
9.	Ex.P.9	Possession notice U/s.13(4) of SARFAESI Act and publication made in Indian Express and Dinamani for notice U/s.13(4) of Act dated 26.09.2025 and 30.09.2025.
10.	Ex.P.10	Account statement dated 07.03.2026.
11	Ex.P.11	Encumbrance Certificate dated 10.03.2026.

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:36 +0530

Crl.M.P. No.1009/2026
Date:- 15.04.2026

M.K.Anusha,
C.J.M., Tirupathur

Schedule of Property

All that piece and parcel of land with building bearing comprised in ward C, Block 5, T.S.No.172, Natham S.No.354A1A part, as per patta new T.S.No.172/1, together with an extent of 676.5 Sq.Ft, situated at Door No.22, Kasi Chetty Street, Ambur Town and Taluk, Tirupathur District.

BOUNDARIES

North by	***:***	***Raghupathy property.***
South by	***:***	***Pathway.***
East by	***:***	***Rajasekaran property.***
West by	***:***	***Kasi Chetty Street.***

Measurement: East to West 61 ½ ft. and North to South 11 ft. total 676.5 Sq.ft.

Situated at within the sub Registration District of Ambur and Registration District of Tirupathur, Tamilnadu.

M K ANUSHA

Chief Judicial Magistrate
Digitally signed by M K ANUSHA
DN: cn=M K ANUSHA, ou=GOVERNMENT OF TAMILNADU, o=TAMIL NADU STATE JUDICIAL SERVICE, st=Tamil Nadu, c=IN
Location: Tirupathur
Date: 2026.04.15 16:50:41 +0530

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

Crl.M.P. No.1009/2026
Date:- 15.04.2026

M.K.Anusha,
C.J.M., Tirupathur