

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUVARUR
PRESENT : Tmt.Dr.R.Latha M.A., M.L., Ph.D.,
Chief Judicial Magistrate, Tiruvarur

Wednesday, the 17th day of June 2026

Cr.M.P. No.131/2026

M/s. REPCO HOME FINANCE LIMITED,
Represented by its Authorized Officer,
Mr. V. Gomathisankar

.....Petitioner

- Vs. -

1) Mr. B. Manikandan,
S/o. Selvaraj,
79/12B, North Kotha Street,
Thiruvarur Town & Taluk.

2) Mrs. Piruthvi,
W/o. B. Manikandan,
79/12B, North Kotha Street,
Thiruvarur.

....Respondents

This Petition came up on 10.06.2026 for final hearing before this Court in the presence of **Thiru. G. Karthikeyan** the learned Counsel for the Petitioner and upon hearing this court delivered the following,

ORDER

1) The Petitioner has filed this petition U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 seeking to appointment of Advocate commissioner to take physical possession of secured Properties.

2) **Crux of the Petition :**

The Respondents have availed loan failed to repay the several EMIs. So, the petitioner has classified the Respondents's loan account non-performing Assets on 29.06.2024. Subsequently, on 10.07.2024 the petitioner company issued the demand notice U/s.13(2) of SARFAESI Act to the Respondents by granting 60 days time for repaying the loan amount a sum of Rs.31,04,634/-as on 09.07.2024. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 29.10.2024 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.31,04,634/-as on 09.07.2024. with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 02.11.2024 the petitioner issued a paper publication by adverting the possession notice vide **The New Indian Express** English edition daily newspaper and also issued Vernacular **Dinamani** newspaper. In spite of the possession notice so far, the respondents have not repaid the loan amount. Now the total amount outstanding is Rs.31,04,634/-as on 09.07.2024. The petitioner cannot take physical possession of the secured asset without assistance of the Court and Police. Therefore, prayed to appoint Advocate Commissioner for taking physical possession of the Schedule mentioned property.

3) Heard the petitioner and perused the documents.

4) On perusal of entire records, it is made clear that the respondents obtained Property Loan from the petitioner bank and failed to repay the loan amount. Further on the date of Rs.31,04,634/-as on 09.07.2024. The respondents executed equitable mortgage for the petition mentioned properties to the petitioner bank. On perusal of Proof Affidavit and the Documents the petitioner complied the provision of Sec.13(2) and 13(4) of the SARFAESI Act. Hence, the

petitioner is entitled to taking physical possession of schedule mentioned property.

5) In the result, the Petition is allowed, Advocate **Tmt. A. PREMALATHA Enrollment No.427/2015** is appointed as Advocate Commissioner to take physical possession of schedule mentioned properties, after taking inventory if necessary by the assistance of the Station House Officer, **TIRUVARUR TALUK POLICE STATION** and to hand over the same to the Petitioner and report the same to the court. In the event of any obstruction, the learned Advocate commissioner is hereby permitted to break open and took possession of the schedule property.

A sum of Rs.30,000/- (Rupees Thirty Thousand Only) is fixed as remuneration to the Advocate/ Commissioner. The petitioner is hereby directly to pay the Advocate/Commissioner fee within 15 days from the date of order. The Advocate/ Commissioner shall execute the warrant without causing any physical harm to the inmates and to execute the warrant within 60 days from the date issue of warrant. With these direction, this petition is closed. No cost.

SCHEDULE OF THE PROPERTY

All that Piece and Parcel of Land with building at Thiruvarur Registration District, (Previously Nagapattinam Registration District), Thiruvarur Sub Registration District, Thiruvarur District, Thiruvarur Taluk, Thiruvarur Panchayat Union Limit, Adiyakkamangalam Panchayat, Adiyakkamangalam Village, Railadi Street, R.S. No. 155E/3 (Now subdivided as R.S.No. 155E/7B) Natham manai an extent of 137.19 Sq.mtr (1476.75 Sq.ft) with a R.C.C. building Ground Floor & 1st Floor bearing Door.No. 7/71.

Measurement

Northern side 19'	Eastern side 90'
Southern side 13'	Western side 95'

Boundaries for the Property

North by : Railadi Street

East by : Thamimum Ansari House & Manai

West by : Abdul Kareem Vacant site

South by : Thamimum Ansari House & Manai

Dictated to the steno-typist, transcribed by her, corrected and pronounced by me in the open court on 17th day of June 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. V. Gomathisankar

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 02.09.2023 Loan Application-Xerox compared with Original
Exhibit 2	On 11.09.2023 Loan Sanction-Xerox compared with Original
Exhibit 3	On 11.09.2023 Loan Agreement-Xerox compared with Original
Exhibit 4	On 04.09.2023 Letter handing over title deeds of Properties executed the 2 nd Respondent-Xerox compared with Original
Exhibit 5	On 22.09.2023 Memorandum of Deposit Title deed Doc.No. 5730/2023-Xerox
Exhibit 6	On 21.09.2023 Registered Sale deed executed by Noorunisha infavour of Piruthvi D.No. 5703/2023-Xerox compared with Original
Exhibit 7	On 09.10.2014 Registered release deed execute by A. Sathika Banu infavour of S. Noorunisha D.No. 6390/2014-Xerox compared with Original
Exhibit 8	On 28.12.2004 Registered settlement deed executed by Abdul hameed infavour of his daughters`Noorunisha-1 and Sathika Banu-2 (D.No. 3050/2004)-Xerox compared with Original
Exhibit 9	On 12.10.1997 Registered Settlement deed executed by Mohamed Umma Hameeba Ammal infavour of her son A. Abdul Hameed

	(D.No.1955/1997)-Xerox compared with Original
Exhibit 10	On 09.09.1956 Registered settlement deed executed by Mohamed Basheer alias Basheer Ahamed infavour of Umma Hameeba Ammal (D.No. 2268/1956)-Xerox compared with Original
Exhibit 11	On 23.10.2025 Encumbrance Certificate-Online copy
Exhibit 12	On 10.07.2024 1 st and 2 nd Respondent-Demand Notice-Xerox compared with Original
Exhibit 13	On 15.07.2024 1 st Respondent with Acknowledgment cover-Xerox Compared with Original
Exhibit 14	On 15.07.2024 2 nd Respondent with Acknowledgment Cover-Xerox Compared with Original
Exhibit 15	On 20.08.2024 Paper publication for English Newspaper in The New Indian Express-Original
Exhibit 16	On 20.08.2024 Paper publication for Tamil Newspaper in Dinamani-Original
Exhibit 17	On 29.10.2024 Possession Notice-Xerox compared with Original
Exhibit 18	On 02.11.2024 Paper publication for Possession Notice in English Newspaper in The New Indian Express-Original
Exhibit 19	On 02.11.2024 Paper publication for Possession Notice in Tamil Newspaper in Dinamani-Original
Exhibit 20	On 04.11.2024-Possession Notice-2nd Respondent Postal Cover-Xerox compared with Original
Exhibit 21	On 04.11.2024 Possession Notice-1st Respondent-Respondent Postal Cover-Xerox compared with Original
Exhibit 22	On 01.02.2018 Authorization Letter-Xerox compared with Original
Exhibit 23	On Applicant's Id Card-Photo copy

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

