

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

Thursday, the 11th day of June 2026

Cr.M.P. No.287/2026

M/s. City Union Bank Limited,
Represented by its Authorized Officer,
Mr. R. Kumar, S/o. Ramasubramanian,

.....Petitioner

- Vs. -

1) Mr. Rajadurai, Age(57/2026)
S/o. Somu,
No. 10/43, Kaluvanakadu Village,
Thillaivilagam Po,
Thiruthuraipoondi Tk,
Thiruvarur District-614 706.

2) Mrs. R. Suganya, Age(54/2026)
W/o. Rajadurai,
No. 10/43, Kaluvanakadu Village,
Thillaivilagam Po,
Thiruthuraipoondi Tk,
Thiruvarur District-614 706.

.....Respondents

This Petition came up on 03.06.2026 for final hearing before this Court in the presence of **Thiru. V. Saravanan** 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 19.10.2023. Subsequently, on 09.01.2024 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.28,59,075/-as on 07.01.2024. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 14.03.2024 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.28,59,075/-as on 07.01.2024. with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 19.03.2024 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.31,76,644/- as on 09.04.2026. 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.31,76,644/- as on 09.04.2026. 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 **Thiru. S. ROHITH KUMAR, Enrollment No.7643/2024** 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, **MUTHUPETTAI 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.

DESCRIPTION OF PROPERTY

SCHEDULE-A

Property belonging to Mr. Rajadurai, S/o. Somu

Situate in Thiruvarur District, in Nagapattinam Registration in Muthupet Sub-Registration district, in Thiruthiraipoondi taluk, 84-kazhuvangakadu Revenue village, within the limit of Thillaivilagam village panjayath road, which is within the limit of Muthupet town panjayat union, on the northern road,

In old survey No. 9/3 which had comprised a total extent of Hect. 1.00.0 that is 2 acre 47 cents out of which in the sub divided new survey No. 9/3A Riotvari/manavari land had comprised a Total extent of 0.86.50 ares that is 1

acre 14 cents out of which on the eastern portion in the sub divided new survey no. 9/3A2 measuring on extent of 0.10.8 ares that's 26 2/3 cents that is 80 kuzhis that is 11,615.7 sq.ft, that is 1079.13 sq.mtr, (Lodged in patta No. 208)

Including a traced residential ground floor, first floor House Building superstructure being construed, ground floor House building measuring plinth area 936 sq.ft., that is 85.32 sq.mtr, first floor House building measuring plinth area 364.50 sq.ft., that is 37.20 sq.mtr, (as per blue print plan) with electricity service connection bore well to be erected with submersible electric motor, drinking water tap connection to be effected, compound wall, stairs to be constructed in future etc. House building door No. 10/167, including electricity service connection No. 1731.

Boundaries

East of :Land Measuring 70 kuzhis in survey no. 9/3A owned, possessed by the previous owner/vendor by name magala W/o.Balasubramaniyan
West of : Land is Survey No. 9/3A1 Belongs to Ponmudi
North of: East West Kaluvang kadu main road
South of: Lands in survey No's 9/2, 9/9A2 belongs to Amirthavalli

Dictated to the steno-typist, transcribed by her, corrected and pronounced by me in the open court on 11th day of June 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. R. Kumar, S/o. Ramasubramanian

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 13.06.2025 Authorization Letter-Xerox
------------------	--

Exhibit 2	On 21.12.2019 Demand Promissory Notes executed by respondent 1 and 2 in favour of Petitioner bank for Rs.5,75,000/-Xerox compared with Original
Exhibit 3	On 29.10.2022 Letter of Revival-Secured Advances executed by respondent 1 and 2 in favour of Petitioner bank for Rs. 5,75,000/--Xerox compared with Original
Exhibit 4	On 09.01.2020 Demand Promissory Notes executed by respondent 1 and 2 in favour of Petitioner bank for Rs.15,00,000/-Xerox compared with Original
Exhibit 5	On 29.10.2022 Letter of Revival-Secured Advances executed by respondent 1 and 2 in favour of petitioner bank for Rs. 15,00,000/-Xerox Compared with Original
Exhibit 6	On 10.12.2014 Sale deed Executed by Megala in Favour of Rajadurai bearing Document No. 1423/2014-Photo copy
Exhibit 7	On 09.01.2020 Memorandum of Deposit of tittle deeds executed by Respondent 1 in favour of the petitioner bank Document No. 31/2020-Xerox Compared with Original
Exhibit 8	On 09.01.2024 Copy of Demand Notice issued by U/s. 13(2) of the SARFAESI Act and Acknowledgement cards received in respect of demand notice-Xerox compared with Original
Exhibit 9	On 14.03.2024 Copy of Possession notice issued U/s. 13(4) of the SARFAESI Act and Acknowledgement cards received in respect of Possession notice issued to all R1 and R2 served on all the parties. Ad Cards Acks photo copy
Exhibit 10	On 19.03.2024 Original of the Possession Notice issued by the bank issued by the bank issued by the bank U/s 13(4) through paper publication issued in Tamil and English newspapers.
Exhibit 11	On 13.04.2026 Encumbrance certificate in respect of the Mortgaged Property-Online copy
Exhibit 12	On 09.04.2026 Account Statements-Photo copy

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**