

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

Tuesday, the 26th day of May 2026

Cr.M.P. No.302/2026

M/s.Equitas Small Finance Bank Limited,
Represented by its Authorized Officer,
Mr. Vijay Mahendran

.....Petitioner

- Vs. -

1) Mr. P. Guna,
C/o. Pannerselvam,
18A, Mothilal Street,
Mannargudi,
Thiruvarur District- 614 001.

2) Krishnakumari,
C/o. Pannerselvam,
18A, Mothilal Street,
Mannargudi,
Thiruvarur District- 614 001.

.....Respondents

This Petition came up on 15.05.2026 for final hearing before this Court in the presence of **Thiru. K. PRAKASH** 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 . Subsequently, on 21.11.2024 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.4,89,725/- as on 08.10.2024. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 25.06.2025 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.4,89,725/- as on 08.10.2024. with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 01.07.2025 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.4,89,725/- as on 08.10.2024. 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.4,89,725/- as on 08.10.2024. 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 **Thiru. CHITRARASU, Enrollment No.2631/2016** 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, **MANNARGUDI TOWN 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

All the piece and parcel of land along with building comprised in T.S.No. 596 extent of 2610 Sqft Kailasantharkovil ward 2, Mannargudi Taluk, Tiruvarur District.

Bounded on the

North by : PattuGopal Santhiran Plot

South by : Mr. Moorthy Plot

East by : Road & 614,615

West by : Mr. Manimaran and Mr. Thangarasu Plot

Situated at within the Sub-Registration District of Mannargudi and Registration District of Thiruvarur.

Dictated to the steno-typist, transcribed by her, corrected and pronounced by me in the open court on 26th day of May 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. Vijay Mahendran

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 22.07.2025 Authorization Letter- Xerox
Exhibit 2	On 03.05.2023 Loan Application -Xerox Compared with Original
Exhibit 3	On 08.06.2023 Loan Sanction Letter-Xerox Compared with Original
Exhibit 4	On 08.06.2023 Loan Agreement Letter- Xerox Compared with Original
Exhibit 5	On 05.05.2023 Registered release deed in favour of 1 st respondent in vide document No. 2496/2023-Xerox Compared with Original
Exhibit 6	On 13.06.2023 Memorandum of deposit deed-Xerox Compared with Original
Exhibit 7	On 03.12.2025 Statement of Accounts-Online Copy
Exhibit 8	On 21.11.2024 Demand Notice-Xerox Compared with Original
Exhibit 9	On 03.12.2024 & 04.12.2024 Demand Notice Acknowledgement-Xerox Compared with Original
Exhibit 10	On 25.06.2025 Possession Notice-Xerox Compared with Original
Exhibit 11	On 03.07.2025 Possession Acknowledgment-Xerox compared with original

Exhibit 12	On 01.07.2025 Paper Publication for Possession Notice in Tamil Newspaper-Original
Exhibit 13	On 01.07.2025 Paper Publication for Possession Notice in English Newspaper-Original
Exhibit 14	On 06.03.2026 Encumbrance Certificate-Online copy

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**