

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

Friday, the 29th day of May 2026

Crl.M.P. No.343/2026

M/s.Equitas Small Finance Bank Limited,
Represented by its Authorized Officer,
Mr. G. Murugan, S/o.Govindhan

.....Petitioner

- Vs. -

1) Mr. Umesh,
S/o. Vijayakumar,
No.3/198, Arasu Nagar,
Regunathapuram, Ezhilur, Nunakadu
Thiruvarur 614 715.

2) Mrs. Tamilselvi,
W/o. Vijayakumar,
No.3/198, Arasu Nagar,
Regunathapuram, Ezhilur, Nunakadu
Thiruvarur 614 715.

3) Mr. Vijayakumar,
S/o. Thangavelu,
No.3/198, Arasu Nagar,
Regunathapuram, Ezhilur, Nunakadu
Thiruvarur 614 715.

.....Respondents

This Petition came up on 27.05.2026 for final hearing before this Court in the presence of **Thiru. Jahabar Sadiq**, 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 25.11.2021. Subsequently, on 13.09.2025 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.7,32,172/- as on 12.08.2025. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 24.01.2026 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.7,32,172/- as on 12.08.2025 with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 27.01.2026 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.7,32,172/- as on 12.08.2025. 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.7,32,172/- as on 12.08.2025. 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. D. MUKILAN, Enrollment No.4267/2018** 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, **THIRUTHURAIPOONDI 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 THE IMMOVABLE PROPERTY

Property owned by Vijayakumar

Item-1

All that Piece and parcel of land Comprised in Old S.No.216/4, New.S.No.216/32 with an Extent of 2304 Sq.Ft., Situated at Nunakkadu Village, Thiruthuraipoondi Taluk, Thiruvarur District.

Bounded on the

North by : Road

South by : Muthuvel Rayar Property

East by : Gunasekaran Property

West by : Rajasekaran Property

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

Dictated to the steno-typist, transcribed by her, corrected and pronounced by me in the open court on 29th day of May 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. G. Murugan

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 30.09.2024 Authorization Letter- Xerox
Exhibit 2	Loan Application.No. 0767855 - Xerox Compared with Original
Exhibit 3	Loan Agreement - Xerox Compared with Original

Exhibit 4	On 24.08.2023 Memorandum of deposit deed-Xerox Compared with Original
Exhibit 5	On 13.09.2025 Demand Notice U/s.13(2) issued under sarfaesi Act 2002 with Acknowledgement Card and receipt - Original
Exhibit 6	On 24.01.2026 Possession Notice U/s.13(4) issued under sarfaesi Act 2002 with Acknowledgement Card and receipt - Original
Exhibit 7	On 27.01.2026 Paper Publication Tamil & English - Original
Exhibit 8	01.01.2014 to 11.04.2026 Statement of Accounts - Online Copy
Exhibit 9	01.04.2023 to 01.04.2026 Encumbrance Certificate-Online copy
Exhibit 10	On 24.08.2023 Loan Sanction Letter-Xerox Compared with Original
Exhibit 11	Patta Doc.No.54 - Xerox compared with original

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**