

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

PRESENT : Thiru.M.Veeranan, M.A.,LLM.,

Chief Judicial Magistrate,

Virudhunagar District at Srivilliputhur

Tuesday this the 27th day of January 2026

CrI.M.P.No.21/2026

(CNR No.TNVR02-000073-2026)

M/s. Karur Vysya Bank Limited,
No.16, A.A. Road, First Floor,
Madurai Ganaolivupuram Branch,
Ganaolivupuram,
Madurai - 625 016.
Rep by its Authorised Officer/ Chief Manager
Mr.S. Dinesh Kumar

... Petitioner

/ Vs /

1. Ponlakshmi,
D/o.Ponnayira Sundaravel,
W/o.Jaganath Seetharaman,
At No.302, Uranipatti Street,
Srivilliputhur - 626 125,
Virudhunagar District.

2. Jaganath Seetharaman,
S/o.Seetharaman,
At No.302, Uranipatti Street,
Srivilliputhur - 626 125,
Virudhunagar District.

3. Kaliswari,
W/o.Seetharaman,
At No.302, Uranipatti Street,
Srivilliputhur - 626 125,
Virudhunagar District.

.... Respondents

This petition came for final hearing before this Court on 20.01.2026 in the presence of Mr.V.Sukumar, Advocate for the petitioner and upon hearing petitioner's side arguments, perusing affidavit, petition and other relevant documents, and having

stood over for consideration till this day, this Court delivered the following :-

ORDER

1) This Petition has been filed by the petitioner seeking assistance under Section 14(1) of the Securitization And Reconstruction of Financial Assets And Enforcement of Security Interest Act 2002 (hereinafter referred to as SARFAESI Act).

2) The petitioner is a M/s. Karur Vysya Bank Limited, Deponent is the Authorised Officer. He filed an affidavit that the respondents availed Vehicle Loan of Rs.1,35,81,000/- from petitioner's M/s. Karur Vysya Bank Limited, by hypothecating the car bearing Registration No.TN 84 Q 8034 as secured asset. The respondents executed the relevant Deed of Hypothecation on 28.09.2023. The loan became non performing asset on 06.05.2025. Therefore, the respondents are served with demand Notice U/s.13(2) SARFAESI Act to repay the Amount within 60 days, failing which the petitioner bank shall be entitled to take all or any of the measures mentioned U/s.13(4) of the Sarfaesi Act. The respondents, however, failed to repay. Thus, Rs.1,19,99,224.27/- as on 19.12.2025. The schedule property does not suffer from any Encumbrance.

3) In **Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019)** Hon'ble High Court of Madras held thus: "*In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/objection from the Borrowers and as such there may not be any necessity of affording opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1st respondent*" (Para No.6). This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in Division Bench decision dated 22.12.2021 in *M/s.Shanmuganathan Cold Storage Pvt Ltd.,*

-vs- 1. Authorized Officer, Karnataka Bank Ltd and anr.

4) The CMM or District Magistrates perform only the ministerial functions under section 14 of SARFAESI Act. Further Sec. 14(3) of SARFAESI ACT Says as below:

"No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority"

Section 14 is procedural in nature and merely empowers the CMM or DM to assist the secured creditor in taking possession of the secured assets and it does not cloth them with the power to adjudicate in respect of any dispute pertaining to secured assets. Further Hon'ble Apex Court has observed that there is no adjudication of any kind at this stage and CMM/DM acting U/s. 14 of the npa act is not required to give notice either to the borrower or to the third party, through citing various judgments in it's decision in **Standard Chartered Bank -vs- Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97** Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. In this context, this court is of a view that Advocate Commissioner can be appointed for taking possession without sending any notices to the respondents.

In the result, this petition is allowed thereby appointing **Mrs.K.Dharanilakshmi (MS No.4526/2019) (Ph.No.9940556242)** as Advocate Commissioner. She is directed to assist the petitioner for taking possession of the secured asset and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get Station House Officer of concerned Police station, for Police assistance/protection for taking possession and Break open (if warranted), without approaching this court separately for such purpose.

A sum of Rs.20,000/- is fixed as remuneration for the said Advocate Commissioner. Out of Rs.20,000/- Rupees 10,000/- shall be paid directly to the

commissioner and the remaining Rs.10,000/- shall be **deposited into this Court within 10 days.** After executing the warrant and filing his report, the Advocate Commissioner is entitled to get the remaining remuneration of Rs.10,000/- from the Court by filing separate E-transfer application. For filing of Commissioner report call on 07.02.2026.

**Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.**

SCHEDULE OF PROPERTY

Vehicle Details :

Name : BMW X7 XDrive 40i M Sport Petrol
Registration No : TN 84 Q 8034

Chasis Number : WBA27EM08RY424551
Engine Number : 0219Y449
Colour : BLACK
Body Type : 5 DOOR

Petitioner side Documents :

Ex.P.1	--	Certificate and License of the Petitioner Bank	True Copy- Compared with original
Ex.P.2	24.12.2025	Authorisation letter issued by the petitioner bank to its employee namely S.Dineshkumar	True Copy- Compared with original
Ex.P.3	28.09.2023	Loan Sanction letter	True Copy- Compared with original
Ex.P.4	28.09.2023	Deed of Hypothecation executed by the respondent	True Copy- Compared with Original
Ex.P.5	01.10.2023	RC book of the said vehicle, Registration No. TN 84 Q 8034	True Copy- Compared with original
Ex.P.6	17.11.2025	Demand Notice along with Acknowledgement Cards	True Copy- Compared with original

Ex.P.7 19.12.2025 Statement of account

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**Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.**

**Chief Judicial Magistrate Court,
Virudhunagar District at
Srivilliputhur.
Cr.M.P.No.21/2026
Order Dated: 27.01.2026**