

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

Monday this the 10<sup>th</sup> day of November 2025

CrI.M.P.No.1251/2025

(CNR No.TNVR02-004662-2025)

M/s.Cholamandalam Investment & Finance Company Limited.,

A Company incorporated under the Provisions of

Companies Act, 1956 and having at

Chola Crest, C54-55 & Super B-4,

Thiru-Vi-Ka Industrial Estate,

Guindy, Chennai 600 032.

Having Branch Office at

No.2 & 3, G.V.Tower, 3<sup>rd</sup> Floor,

Melakkal Main road, Madurai - 625 106.

Represented by its authorised officer

Mr.Chandara Narayanan

... Petitioner

/ Vs /

- 1) Mookkandi Ponraj (Applicant)  
213-B, Colony Street, Lakshmiyapuram, Srivilliputhur,  
Virudhunagar.
- 2) Kannan Garments,  
(Represented by its Proprietor - Mookkandi Ponraj (Co applicant),  
D.No.57, Chithambaranar Theru, Rajapalayam,  
Virudhunagar, TamilNadu - 626 117.
- 3) Kudalingam Tamilarasu (Co applicant),  
213-B, Colony Street, Lakshmiyapuram, Srivilliputhur,  
Virudhunagar.

... Respondents

This petition came for final hearing before this Court on 27.10.2025 in the presence of Mr.K.Siva Raja Pandian, 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 Case of the petitioner bank is that the bank had sanctioned a mortgage loan of Rs.26,40,000/- to the respondents and the 2<sup>nd</sup> and the 3<sup>rd</sup> respondent stood as Co-borrowers. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 03.02.2025. In order to realize the loan amount together with interest, the petitioner bank issued demand notice to the respondents under section 13(2) of the SARFAESI Act on 05.02.2025 calling upon the respondents to pay the dues to a tune of Rs.27,78,738/- as on 05.02.2025. The respondents though received the notice, they neither sent any reply nor paid the demand amount. Since, the respondents have not repaid the outstanding loan amount, the petitioner issued possession notice under section 13(4) of the SARFAESI Act on 24.04.2025. The demand notice and possession notice were also published in English and Tamil Newspaper on 26.04.2025. The respondents have not surrendered physical possession and hence the petitioner has approached this court under section 14 of the SARFAESI Act to assist them in taking physical possession of the scheduled property.

**3) Point for determination:**

Whether the petitioner is entitled for assistance of this court in taking physical possession of the scheduled property under section 14 of the SARFAESI Act as prayed for?

4) The authorised officer of the petitioner bank has been examined as PW1 and Ex.P1 to Ex.P15 documents were marked. The submissions made by the learned counsel for the petitioner was heard and carefully considered and the exhibits produced by the petitioner were carefully perused.

**5) Point and Answer:**

(i) The petitioner is M/s.Cholamandalam Investment & Finance Company Limited., which falls squarely within the definition of bank under section 2(1)(c) of the SARFAESI Act. The petitioner bank have produced Ex.P2, Resolution passed at the meeting of the Board of Directors, through which Mr.Chandra Narayanan was appointed as one of the authorized officers to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1<sup>st</sup> respondent is the borrower and 2<sup>nd</sup> and 3<sup>rd</sup> respondents was stood as Co-borrowers. The respondents have availed the mortgage loan facilities against the property of the 1<sup>st</sup> respondent to an amount of Rs. 26,40,000 /-. Ex.P2, Loan Application, Ex.P3, Loan Sanction letter and Ex.P4, Loan Agreement shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 1<sup>st</sup> respondent. Ex.P5 shows that the 1<sup>st</sup> respondent is the absolute owner of the petition scheduled property. Ex.P6 is the memorandum of deposit of title deed of the petition scheduled property executed by the 1<sup>st</sup> respondent. The respondents have thus created security interest over the scheduled property and the petitioner has valid and subsisting security interest over the scheduled property.

The Encumbrance Certificate of the scheduled property has been marked as Ex.P12. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P12, Encumbrance Certificate that the scheduled property is located in Padikasuvaithanpatti Village, Virudhunagar District and thereby within the jurisdiction of this Court. The respondents have thus created security interest over the scheduled property and the petitioner bank has valid and subsisting security interest over the scheduled property.

(iv) The respondents have defaulted in repayment of the loan amount obtained from the petitioner bank which is evident from Account Statements produced as Ex.P13. Hence, the loan has been declared as Non Performing Asset on 03.02.2025 as per the guidelines of the Reserve Bank of India.

(v) The 1<sup>st</sup> respondent is the borrower and 2<sup>nd</sup> and 3<sup>rd</sup> respondents was stood as Co-borrowers. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 to 3 demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P7. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P9, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P11.

(vi) Though, the respondents have been served with the notice, they have not surrendered physical possession of the scheduled property. The authorized signatory of the petitioner bank has affirmed on oath that the respondents are purposely delaying surrender of possession of the scheduled property and that there is no stay granted against taking possession of the scheduled property. From the affirmation of the authorized signatory of the petitioner on oath and on perusal of the documents exhibited on the side of the petitioner, this court is satisfied that the petitioner bank has properly complied with the conditions precedent for invoking the provision under section 14 of the SARFAESI Act. Through the affidavit filed by the authorized signatory and through the exhibits marked on their side, the petitioner has satisfactorily established the default on the part of the respondents 1 to 3 in repayment of the loan amount; the loan amount is not barred by limitation; the scheduled property was offered as security for the loan amount secured and; the scheduled property is located within the jurisdiction of this court.

(vii) Thus, considering the above observations, this court finds it fit to issue proper direction to take physical possession of the secured assets described in the schedule of property after taking proper inventory and also to handover the possession of the property to the petitioner bank and as such this petition is liable to be allowed.

In the result, this petition is allowed thereby appointing **Mr.V.Raja (MS No.1801/2005)** as Advocate Commissioner

1. to inspect the petition mentioned property after giving notice to both side;
2. to take inventories;
3. to take physical possession and immediately hand it over to the petitioner/secured creditor;
4. the Inspector of Police, Vanniyampatti Police station and the Village Administrative officer, Padikasuvaithanpatti are directed to provide suitable assistance to the Commissioner in executing the warrant in respect of the property in their respective jurisdiction;
5. the Advocate Commissioner may break open any locks put to the doors of the scheduled property if the same is necessary for handing over physical possession.

A sum of Rs.25,000/- is fixed as remuneration for the said Advocate Commissioner. Out of Rs.25,000/- Rupees 12,000/- shall be paid directly to the commissioner and the remaining Rs.13,000/- 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.13,000/- from the Court by filing separate E-transfer application. For filing of commissioner report call on 20.11.2025.

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

SCHEDULE OF PROPERTY

All that piece and parcel in land in Virudhunagar-D, Virudhunagar Re-D, Srivilliputhur Taluk, Srivilliputhur Sub Re-D, Padikasuvaithanpatti Village, Patta No.504, Old Natham S.No.233/3 part, New Natham S.No.354/29 measuring 120 Sq.meters with built house bearing Door No.7/213A and 213/B bounded on :

**BOUNADRIES**

North : House of Mr.Irulandi  
 South : East West Street  
 East : Vacant site of Mr.Ponnaiah  
 West : North South Street

**MEASURING**

East West Northern side : 15 meter  
 East West Southern side : 15 meter

North South Eastern side : 8 meter  
 North South Western side : 8 meter  
 Thus totalling 120 sq.meter (71 Sq.meter + 49 Sq.meter)

**Petitioner side Documents :**

Ex.P.1	01.08.2023	Authorisation letter	True Copy
Ex.P.2	27.12.2023	Loan Application	Compared with original
Ex.P.3	30.12.2023	Loan Sanction letter	Compared with original
Ex.P.4	30.12.2023	Loan Agreement	Compared with original
Ex.P.5	13.12.2023	Settlement Deed registered as document No.7893 of 2023 in the office of Sub-Registrar, Srivilliputhur	Compared with original
Ex.P.6	05.01.2024	Memorandum of Deposit of the title deed in Document No.84 of 2024 registered on file of the Sub-Registrar, Srivilliputhur	Compared with original
Ex.P.7	05.02.2025	Demand notice U/s.13(2) of SARFAESI Act along with postal receipt and Online tracking Consignment report	Compared with original
Ex.P.8	15.02.2025	Paper publication of the Sec.13(2) Notice in the The New Indian Express (English daily) and Dinamani (Tamil Daily - Vernacular Language)	Original
Ex.P.9	24.04.2025	Possession notice along with postal receipts and online tracking consignment report	Compared with original
Ex.P.10	24.04.2025	13(4) Pasting photos	Photo copy
Ex.P.11	26.04.2025	Paper publication of the Sec.13(4) Notice in the The New Indian Express (English daily) and Dinamani (Tamil Daily - Vernacular Language)	Original
Ex.P.12	16.05.2025	Encumbrance Certificate	Online copy
Ex.P.13	09.05.2025	Statement of Account of the respondent	System Generated copy
Ex.P.14	05.08.2016	Gazette	Xerox
Ex.P.15	18.01.2024	Cersai	Online copy

**Chief Judicial Magistrate,  
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**Chief Judicial Magistrate Court,  
Virudhunagar District at  
Srivilliputhur.  
Cr.M.P.No.1251/2025  
Order Dated: 10.11.2025**