

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

Friday this the 14<sup>th</sup> day of November 2025

CrI.M.P.No.1279/2025

(CNR No.TNVR02-005442-2025)

M/s.HDFC Bank Ltd,  
Having Its Regional Office At,  
No: 406, Sakthi Sivam Plaza,  
Pumping Station Road, 9<sup>th</sup> cross street,  
K.K.Nagar, Madurai - 625 020.  
Represented through its Authorized Officer,  
Mr.A.Shunmugaraja, S/o.S.Arputhanantham  
Aged about 36 years

... Petitioner

/ Vs /

- 1) **Mr. M. Marimuthu (43/F/2025)**  
S/o. Muruga,  
S.No.559 Part, House Old Door No.17,  
New Door No.37, PP Vaiyapuri,  
Nanthavanam Street, Virudhunagar - 626 001.

And Also at

- 2) **Mrs. Sivasankari Jawahar (43/F/2025),**  
S/o.Jawahar,  
S.No.559 Part, House Old Door No.17,  
New Door No.37, PP Vaiyapuri,  
Nanthavanam Street, Virudhunagar - 626 001.

... Respondents

This petition came for final hearing before this Court on 17.10.2025 in the presence of Mr.B.Baskar, 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 various loan facilities for a sum of Rs.36,19,252/- (Rs.20,00,000/- + Rs.19,252/-+ Rs.13,00,000/-+ Rs.3,00,000/-) to the respondents. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 04.03.2024. 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 12.06.2024 calling upon the respondents to pay the dues to a tune of Rs.36,16,485/- as on 30.04.2024. 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 20.05.2025. The possession notice was also published in English and Tamil Newspaper. 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.P22 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.HDFC Bank 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, Authorisation letter issued by Mr.Ajay Agarwal, Company Secretary appointing Mr.Shunmugaraja as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

**(ii)** The respondents are the borrowers. The respondents have availed the various loan facilities against the property of the respondents to an amount of Rs.36,19,252/-. Ex.P3, Loan Application; Ex.P4 to P7, Loan Sanctions and Ex.P8 to P11, Loan Agreements show that the respondents have availed loan as stated by the petitioner.

**(iii)** The loan has been sanctioned against the property of the 2<sup>nd</sup> respondent. Ex.P12 shows that the 2<sup>nd</sup> respondent is the absolute owner of the petition scheduled property. 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.P21. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P21, Encumbrance Certificate that the scheduled property is located in P.P. Vaiyapuri Nadar, Nandavana, Virudhunagar Town, 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.P22. Hence, the loan has been declared as Non Performing Asset on 04.03.2024 as per the guidelines of the Reserve Bank of India.

**(v)** The respondents are the borrowers. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P13. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by

issuing Ex.P16, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P17 and P18.

(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 and 2 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.G.Palanivelu (MS No.1998/2000)** 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, Virudhunagar West Police station and the Village Administrative officer, Kottaipatti, Virudhunagar District 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 25.11.2025.

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

SCHEDULE OF PROPERTY

(Description of Secured Asset in respect of which security Interest has been created)

Virudhunagar District, Virudhunagar Joint I Sub Registration District, Virudhunagar Taluk and Town, In Survey Ward No.17, BB Vaiyapuri Nadar Nandhavanam Street, In That T.S.No.559 part having Old Door No.10, New Door No.17, Old Tax Assessment No.29018, New Tax Assessment No.29920, Comprising site and superstructure abounded by :

- East by - Property of S.Raji in T.S.No.559
- South by - Property of Udhayakumar and Common Road,
- West by - North to South Vaiyapuri Nadar Nandhavanam Street,
- North by - Common wall and Property belong to N.P.K.N Agency in  
T.S.No.559

**MEASURING**

East to West on Both sides 39 3/4 Ft, North to South on Eastern side 38 3/4 Ft, North to South on Western side 38 Ft thus measuring 1525.40 Sq.Ft., 141.713 Sq.Meter including Eastern side common wall. Western side Wall and Half of the

rights in North South common wall with R C C Building, Electricity connection, Water Connection and All its amenities.

All Rights of Pathway and Easements Rights thereon. Land along with building shops constructed there on with electricity service connection, meter, meter deposit, water service connection and all rights of pathway and easements rights thereon.

**Petitioner side Documents :**

Ex.P.1	17.03.2023	The Order issued by the National Company Law Tribunal Mumbai Bench	True Copy
Ex.P.2	27.11.2024	Resolution passed by Board of Directors of HDFC Bank Ltd along with the letter of Authorisation	Compared with original
Ex.P.3	11.12.2018	Loan Application	Compared with original
Ex.P.4	07.01.2019	Loan Sanction Letter	Compared with original
Ex.P.5	10.01.2019	Loan Sanction Letter	Compared with original
Ex.P.6	13.08.2019	Loan Sanction Letter	Compared with original
Ex.P.7	28.07.2020	Loan Sanction Letter	Compared with original
Ex.P.8	10.01.2019	Loan Agreement	Compared with original
Ex.P.9	10.01.2019	Loan Agreement	Compared with original
Ex.P.10	16.08.2019	Loan Agreement	Compared with original
Ex.P.11	17.11.2020	Loan Agreement	Compared with original
Ex.P.12	09.01.2019	Registered Memorandum of Deposit of Title Deeds vide Doc No.72/2019	Compared with original
Ex.P.13	12.06.2024	13(2) Statutory notices to the Respondents along with its postal receipts &	Compared with original

## acknowledgements

Ex.P14	25.06.2024	Paper Publication of 13(2) Demand notice in Tamil Daily	Original
Ex.P15	25.06.2024	Paper Publication of 13(2) Demand notice in English Daily	Original
Ex.P16	20.05.2025	13(4) Possession Notice to the respondents along with its postal receipts & acknowledgements	Compared with original
Ex.P17	24.05.2025	Paper Publication of Possession notice in Tamil Daily	Original
Ex.P18	24.05.2025	Paper Publication of Possession notice in English Daily	Original
Ex.P19	20.05.2025	13(4) Possession notice was affixture by petitioner	Compared with original
Ex.P20	08.11.2013	Sale deed in vide Doc No.3815/2013 for the schedule mentioned property	Compared with original
Ex.P21	12.09.2025	Encumbrance Certificate	Online Copy
Ex.P22	31.08.2025	Statement of Account	System generated copy

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

**Chief Judicial Magistrate Court,  
Virudhunagar District at  
Srivilliputhur.  
Cr.M.P.No.1279/2025  
Order Dated: 14.11.2025**