

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 16th day of December 2025

CrI.M.P.No.1471/2025

(CNR No.TNVR02-005943-2025)

Equitas Small Finance Bank Limited,
4th Floor, Phase-II, Spencer Plaza,
No.769, Anna Salai, Chennai - 600 002.
Rep. by its Authorized Officer Mr.M.Ayyappan

... Petitioner

/ Vs /

- 1) P. Kilimuthu,
S/o.Ponnusamy,
1/251, Kazhaththery, Senkulam,
Srivilliputhur - 626 125.
- 2) K. Bakkiyalakshmi,
W/o.Kilimuthu,
1/251, Kazhaththery, Senkulam,
Srivilliputhur - 626 125.

... Respondents

This petition came for final hearing before this Court on 02.12.2025 in the presence of Mrs.S.Minnla Priyadharshini, 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 business loan of Rs.3,50,000/- to the respondents and the 2nd respondent stood as Co-borrower. Due

to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 11.05.2025. 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 27.05.2025 calling upon the respondents to pay the dues to a tune of Rs.3,41,664/- as on 20.05.2025. 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 Rule 8(1) of the SARFAESI Act on 12.08.2025. The possession notice was also published in English and Tamil Newspaper on 15.08.2025. 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.P13 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.Equitas Small Finance 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, special power of attorney issued by Mr.D.Boopalan, Senior Vice President, Chennai appointing Mr.M.Ayyappan as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. The 2nd respondent stood as Co-borrower. The respondents 1 and 2 have availed the Cash Credit loan facilities against the property of the 1st respondent to an amount of Rs.3,50,000/-. Ex.P3, Loan application; Ex.P4, Loan Sanction letter and Ex.P5, 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 1st respondent. Ex.P7 shows that the 1st 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 1st respondent. The respondents 1 and 2 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.P11. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P11, Encumbrance Certificate that the scheduled property is located in Athikulam Chengulam Village, Srivilliputhur Taluk, 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 11.05.2025 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower and the 2nd respondent is the Co-borrower. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 and 2 demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P8. 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.P10.

(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.S. Karthik Kumar (MS No.2853/2015)** 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, Srivilliputhur Town Police station and the Village Administrative officer, Srivilliputhur 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 26.12.2025.

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

SCHEDULE OF PROPERTY

All that piece and parcel of land and building comprised as per patta No.132 and 133 in S.No.288B/1 Now S.No.489/23 and 489/25 with an extent of 322.8 Sq.Ft and situated at Door No.250/1 and Athikulam Chengulam Village and Srivilliputhur Taluk and Virudhunagar District and bounded with the Srivilliputhur Sub-Registrar Office and Registration District of Virudhunagar.

Boundaries :

East By : South - North Street

West By : Property belongs to Vaithiyanathan

North By : Property belongs to Samuthiram and Sakthivel

South By : Property belongs to Ponnusamy

Measurement : East - West in the North 11.4 mt and East-West in the south 11.2 mt and South-North in the west 2.4 mt and South-North in the East 2.8 mt to the extent of 30.0 Sq.mt.

Situated at within the Sub-Registration District of Srivilliputhur and Registration District of Virudhunagar.

Petitioner side Documents :

Ex.P.1	30.06.2016	RBI license, Certificate of Incorporation of Gazette notification	True Copy Compared with Original
Ex.P.2	07.04.2021	Special Power of Attorney	True Copy Compared with Original
Ex.P.3	11.07.2023	Loan Application	True Copy Compared with Original
Ex.P.4	19.07.2023	Loan Sanction letter	True Copy Compared with Original
Ex.P.5	16.09.2022	Loan Agreement	True Copy Compared with Original
Ex.P.6	19.07.2023	Memorandum of deposit of title deed	True Copy Compared with Original
Ex.P.7	05.05.2022	Sale Deed	True Copy Compared with Original
Ex.P.8	27.05.2025	Demand Notice U/s.13(2) of Sarfaesi Act issued by Authorized officer and Postal Receipts and Track Consignment	True Copy Compared with Original
Ex.P.9	12.08.2025	Possession Notice U/R.8(1) issued by Authorized officer, Postal Tracking and Notice Affixed photo	True Copy Compared with Original
Ex.P.10	15.08.2025	Possession notice - Paper Publication made in Tamil and English	Original
Ex.P.11	20.07.2023	Encumbrance Certificate	Xerox Copy Compared with Original
Ex.P.12	09.10.2025	Foreclosure Statement for Loan Account	True Copy Compared with Original

Ex.P.13 21.07.2023 Statement of Account

True Copy

**Chief Judicial Magistrate,
Virudhunagar District at
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**Chief Judicial Magistrate Court,
Virudhunagar District at
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Order Dated: 16.12.2025**