

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 6th day of March 2026

CrI.M.P.No.1674/2025

(CNR No.TNVR02-006038-2025)

Indian Bank,

(A body corporate constituted under the banking companies
(Acquisition and transfer of under takings) Act V of 1970 and
having registered CORPORATE OFFICE AT :

Avvai Shanmugam Salai, Royaper, Chennai -600014

BRANCH OFFICE AT : Vasudevanallur Branch,

16A, Madurai – Senkottai NH Road, Vasudevanallur – 627 758.

Rep. By its Authorized Officer Mr.S.Sudhakar

... Petitioner

/ Vs /

1) **MR.R.RAVI SANKAR (BORROWER)**

S/o.Mr.Ramasamy,

5/262 East Street,

Madathupati, Thayilpatti,

Sivakasi Taluk, Virudhunagar District.

2) **MRS.R.GENGADEVI (BORROWER)**

W/o.Mr.R.Ravisankar,

5/262 East Street,

Madathupati, Thayilpatti,

Sivakasi Taluk, Virudhunagar District.

... Respondents

This petition came for final hearing before this Court on 20.02.2026 in the presence of Mrs.E.Shenbaga, 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 home loan of Rs.15,50,000/- 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 08.10.2023. 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 12.10.2023 calling upon the respondents to pay the dues to a tune of Rs.19,45,615/- as on 12.10.2023. 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 20.10.2023. The possession notice was also published in English and Tamil Newspaper on 23.12.2023. 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.Indian bank which falls squarely within the definition of bank under section 2(1)(c) of the SARFAESI Act. The petitioner bank have

produced Ex.P1, Authorization letter issued by Deputy Zonal Manager appointing Mr.S.Sudhakar 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 and 2nd respondents to an amount of Rs.15,50,000 /-. Ex.P2, Application for Home loan, Ex.P3, Sanction letter-cum-Key Fact statement and Ex.P4, Term Loan Agreement for home loan shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 1st and 2nd respondents. Ex.P11 shows that the 1st and 2nd respondent are the absolute owner of the petition scheduled property. Ex.P5 is the Memorandum of deposit of title deed of the petition scheduled property executed by the 1st and 2nd respondents. 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.P13. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P13, Encumbrance Certificate that the scheduled property is located in Tayilupatti (V & T), 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.P12. Hence, the loan has been declared as Non Performing Asset on 08.10.2023 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.P6. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P8, 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.A.Murugan (MS No.2941/2009) (Ph.No.8838219544)** 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 Station House officer of Vembakottai Police station is 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 16.03.2026.

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

SCHEDULE OF PROPERTY

EM of Land and Building in Virudhunagar Registration District, Sivakasi Sub-Registration District, thayilpatti village in Ayan Punja survey No.211/2D of an extent of 52 cents which has been sub divided into house sites in which the site in the north eastern side admeasuring East – West on North 40 Ft on South 35 Ft, North – South on west 58 ft and on East 59 Ft, i.e.2193.75 sq.ft = 203.81 sq.meters (243.75 sq.yards) i.e. about 5.03 cents with joint rights in the common pathway and bounded on

Boundaries :

North	:	Land of Seenivas Naicker
East	:	Land of Rukmani Vagaira,
South	:	East West common road

West : Land of Alagarsamy Bakthar

Petitioner side Documents :

Ex.P.1	18.06.2024	Authorization letter	Xerox Copy
Ex.P.2	20.12.2019	Application for Home loan	Xerox Copy
Ex.P.3	20.12.2019	Sanction letter-cum-Key Fact statement	Xerox Copy
Ex.P.4	20.12.2019	Term Loan Agreement for Home loan	Xerox Copy
Ex.P.5	24.12.2019	Memorandum of deposit of title deed executed by the 1,2 respondents in favour of the petitioner bank (Doc.No.9527/2019)	Xerox Copy
Ex.P.6	12.10.2023	Demand Notice U/s.13(2) of Sarfaesi Act along with postal receipt	Xerox Copy
Ex.P.7	13.10.2023	Demand notice- acknowledgement card	Xerox Copy
Ex.P.8	20.12.2023	Possession Notice in terms of Appendix IV r/w U/R.8(1) of SARFAESI Act along with postal receipt	Xerox Copy
Ex.P.9	21.12.2023	Possession notice - acknowledgement card	Xerox Copy
Ex.P.10	23.12.2023	Possession notice published in Tamil and English daily Newspaper	Original
Ex.P.11	29.08.2019	The Registered sale deed executed by J.Maheswari in favour of R.Ravisankar and R.Gengadevi (Doc No.6166/2019)	Xerox Copy
Ex.P.12	01.03.2024	Statement of Account	System Generated Copy
Ex.P.13	17.07.2024	Encumbrance Certificate 01.02.2010 to 22.02.2024	Online Copy

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

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

**Cr.M.P.No.1674/2025
Order Dated: 06.03.2026**