IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE AT PUDUCHERRY

PRESENT: THIRU. E.M.K.YASWANTHRAO INGERSOL, B.Sc., B.L., CHIEF JUDICIAL MAGISTRATE

Thursday, the 30th day of July 2026

Cr.M.P. No.1521/2026
(CNR No.PYPY03-005599-2026)

M/s. AU Small Finance Bank Ltd
Represented by its Authorized Officer
Uthasingh .... Petitioner

Vs.

1. Ramesh
2. Seethalakshmi …. Respondents

This petition coming on this day for hearing before me in the presence of Tvl. R. Murugesan S. Senguttuvan, Advocates for the petitioner, upon perusing the records, on hearing on petitioner's side and having stood over for consideration, this court passed the following:

O R D E R

The petitioner bank filed this application u/s. 14 (1) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), seeking the assistance of this court to take physical possession of the petition mentioned property.

2. As per the case of the petitioner bank, the borrower in this case owe to pay a sum of Rs.14,63,099/- as the said debt were not paid by the borrowers the petitioner bank initiated proceedings u/s. 13 (2) of SARFAESI Act by issuing demand notice and then sale notice by issuing demand notice, despite the receipt of demand notice, as the borrower failed to come forward to discharge the debt, the property which being given Collateral Security, are required to be

taken possession to proceed and to release the above said debt for that reason the petitioner bank filed this application seeking the assistance of this court.

3. On perusal of records it is found that the petition mentioned property was being given as collateral security and it can be taken possession in the event the borrower failed to pay the loan amount in pursuance to the demand notice of the petitioner bank. It is appears from the records that the petitioner bank after complying the requirements as enumerated in the above Act, with no other option but to realize the money filed in this application, and without allowing this application it is not possible for the petitioner bank to recover the amount which stands due. It is also enquired with the petitioner bank whether any appeal is pending either by the borrower or any other persons with regard to petition mentioned property, for which it is stated that there is no appeal pending. As no appeal is pending, there is no bar for taking possession of the petition mentioned property, as per section 14 of SARFAESI Act as and when the application is filed by the bankers, then it is the duty of this court to provide assistance for taking possession of petition mentioned property. The assistance can be provided by way of appointing a court commissioner on entrusting him a warrant to take the possession of the petition mentioned property in peaceful manner by availing the necessary assistance from the state holders, and then entrust the possession to the authorized officer of the petitioner bank.

In the result, this petition is allowed. Thiru M. Jayaraman, Advocate, Enrollment No. M.S.1472/2018 (mobile No.:8870777421), is hereby appointed as a court commissioner with the warrant of this court to take the peaceful possession of the petition mentioned property and then entrust the same to the authorized possession of the petitioner bank in accordance with law and then file report thereon. The petitioner bank is hereby directed to deposit a sum of Rs.30,000/- before this court as renumeration fee for the above said court commissioner. The Advocate Commissioner shall execute the warrant within 60 days from the date of receipt of warrant and submit his report to this court. The Advocate Commissioner shall receive his total renumeration, after filing his final report.

Typed to my dictation, corrected and pronounced by me in the open court on this the 30th day of July 2026.

K YASWANTHRAO

Digitally signed by K YASWANTHRAO
Date: 2026.07.31 10:49:05 +0530

(**E.M.K.YASWANTHRAO INGERSOL**)
CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY