

TNVL030038472026



**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
VELLORE, VELLORE DISTRICT.**

**Present : Thiru.G.Essakiappan, B.B.A., L.L.B,
Chief Judicial Magistrate, Vellore.**

Dated this the 2nd day of June 2026

Cr.M.P.No.3926/2026

C.N.R.No.TNVL03-003847-2026

**M/s. Cholamandalam Investment and Finance Company Limited (CIFCL),
Through Its Authorized Officer**

**Mr. Sugumar Jayaraman, Legal and Recovery Manager,
Having Regional Office At:**

**M/s. Cholamandalam Investment and Finance Company Limited Ltd,
No.98A, 2nd Floor , Vellore Road, Near Croma Store, Katpadi - 632007.**

... PETITIONER

// VERSUS //

1. Mrs. Sarasvathi sankar, W/o Sankar aged about 33 years (Applicant)

2. Mr. Sankar s/o Perumal aged about 39 years (Co-applicant)

**Both are residing at No. 2/116, Anna nagar, Setuvandai village,
Gudiyattam Taluk, Vellore**

... RESPONDENT

This Petition came up before me for final hearing on **29.05.2026** in the presence of **Mr.Hemanakumar**, Learned Counsel for the Petitioner, after considering the facts and circumstances of the Petition, considering the materials available on record and after hearing arguments, having stood over for consideration till this day, this court passes the following:

ORDER

The applicant, i.e., **M/s. Cholamandalam Investment and Finance Company Limited (CIFCL)**, has filed this application U/s. 14 of the Securitization and Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter called the Act) through its authorized officer, **Mr. Sugumar Jayaraman**, for appointing Advocate Commissioner.

The case of the petitioner is that on 29.06.2021 executing a mortgage upon the schedule property, by the borrowers/respondents, the petitioner bank sanctioned Loan for the sum of Rs.18,00,000/-. The respondents has agreed to repay the same with interest.

But as agreed the respondents has not regularly paid and the respondents are in due of Rs.20,20,289/- as per the Statement of Accounts filed by the Petitioner Bank as on 18.09.2025 to the petitioner.

Since the Respondents failed to make payment towards the loan, his loan account was classified as Non Performing Assets on 09.09.2025

Thereafter by way of Doc.No.8 the petitioner issued notice calling upon the respondents to make payment. Since the Respondents failed to make payment the petitioner took symbolic possession of the schedule property on 01.12.2025 and seeking assistance of this court the petitioner has filed this petition.

POINTS FOR CONSIDERATION:

Whether the petitioner is entitled to the relief as prayed for by him

As per Documents No.13, the respondents created a mortgage in favour of petitioner.

Hence, the schedule of property became a secured asset as defined under Section 2 (zc).

Further as mandated under the Act due to Non- payment by the respondents the loan account has been classified as Non-Performing Asset.

By way of notice dated 15.09.2025 demand was made with respondents for repayment of loan.

Since the respondents has not made any payments steps under section 13 taken by way of affixing notice on property.

From the above discussion this court comes to the conclusion that all the conditions for lending assistance of the court in taking delivery of the secured asset as provided U/s 14 is satisfied.

Hence this Court comes to the conclusion that the petitioner is entitled to the relief as prayed by it.

Finally, this petition is allowed and **Selvi/Tmt.A.G.Nisha, Advocate, Enrol.No.M.S.No.7505/2023, Mobile No.63691 26016** is appointed as Advocate Commissioner to take possession of the petition schedule mentioned property after taking inventory if necessary and to handover the same to the Petitioner. If necessary, the Commissioner may get required police protection by submitting writing

requisition to the concerned police station house officer by stating reason for the same. The Advocate Commissioner shall file an undertaking affidavit before this Court to perform her duty of execution of warrant without any deviation and if there is any deviation on her part, she would be liable for action as per law. A sum of Rs.30,000/- is ordered as remuneration to the Advocate Commissioner in which Rs.30,000/- has to be paid fully to the Advocate Commissioner by the Petitioner initially for execution of the warrant. The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates. She shall execute the warrant within 60 days from the date of issuance of warrant and submit her report to this Court.

Further it is strictly instructed to the learned Advocate Commissioner should follow the direction as promptly as possible without any deviation from the lawful execution and to avoid any kinds of collusion or conspiracy with the Respondent till the termination of this legal proceedings.

Issue Commissioner Warrant on filing affidavit by the Petitioner that no appeal or stay is pending in any other Court in respect of schedule mentioned property.

Dictated to the Typist directly typed by her corrected and pronounced by me in the open court this 2nd day of June 2026.

**Chief Judicial Magistrate,
Vellore.**

Schedule of property

Vellore District, Vellore Registration District, Gudiyattam Sub-District, Gudiyattam Taluk, Sethuvandai Village in Common in S.Nos. 250/2B, 252, 254/1 the site bearing Plot No.77, in which a R.C.C. Terraced House under construction.

Measuring:

East to West both side : 26 feet.

North to South both side : 33 feet.

Totalling 858 Sq.feet.

Boundaries:

On the East by : Street

On the West by : Plot No.48

On the North by : Plot No.76

On the South by : Street

**Chief Judicial Magistrate,
Vellore.**