



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6551 of 2022

WEB COPY

City Union Bank Limited,
Banking Co-incorporated under the Companies Act,
1956 Having its Registered Office at No.149,
T.S.R.Big Street,
Kumbakonam,
Tamil Nadu - 612 001
and Having one of the Branch Office at
Thiruchirapalli Cantonment Branch,
Represented by its Authorized Officer,
R.Srinivisan.

... Petitioner

Vs.

1.M/s.J.B.Flux Industry,
Represented by its Proprietrix,
J.Haseena Barvin.

2.J.Haseena Barvin
3.K.Jahir Hussain

... Respondents

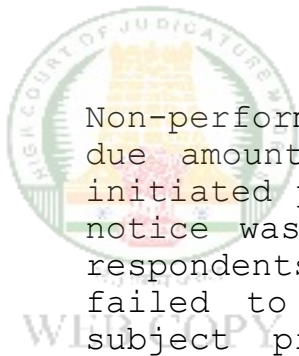
Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the learned Chief Judicial Magistrate, Thiruchirapalli to
number the unnumbered Crl.M.P.No.... of 2022 filed by the petitioner
on 31.12.2021 in A.No.3150 under Section 14 of the SARFAESI Act and
thereafter to consider the said petition on merits.

For Petitioner : Mr.C.Jawahar Ravindran

ORDER

This Criminal Original Petition has been filed for a direction
directing the learned Chief Judicial Magistrate, Thiruchirapalli to
number the unnumbered petition filed by the petitioner on 31.12.2021
in A.No.3150 under Section 14 of the SARFAESI Act, thereby sought
for a direction to appoint the Commissioner to take physical
possession of the subject property and other reliefs as contemplated
under Section 14 of the SARFAESI Act. However, it was returned for
the reason that the petitioner has to produce the sale deed in
respect of the subject property.

2.The learned counsel appearing for the petitioner would submit
that the respondents 2 & 3 had availed loan to the tune of
Rs.1,26,00,00/- from the petitioner Bank on creation of equitable
mortgage in respect of the subject property. After availing the
loan, they committed default and the loan account was declared as



Non-performing Asset on 29.07.2017. In order to recover the balance due amount from the respondents 2 & 3, the petitioner Bank has initiated proceedings under the SARFAESI Act. On 25.10.2017, demand notice was issued under Section 13(2) of the SARFAESI Act to the respondents 2 & 3. On receipt of the same, the respondents 2 & 3 failed to repay the dues to the petitioner Bank. Further, the subject property is originally allotted by the SIDCO to the respondents 2 & 3 by allotment letter, dated 25.05.2009. Thereafter, SIDCO also issued no objection certificate to mortgage the subject property. The petitioner Bank also enclosed the allotment order issued by the SIDCO in favour of the first respondent.

3. In view of the above, the petitioner Bank is directed to represent the petition forthwith and on receipt of the same, the learned Chief Judicial Magistrate, Thiruchirapalli, is directed to take the petition on file without insisting the sale deed in respect of the subject property and number the same and proceed in accordance with law.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Chief Judicial Magistrate, Thiruchirapalli.

Copy to

The Section Officer, E.R. Section,

Madurai Bench of Madras High Court, Madurai.

(to return the original petition to the petitioner forthwith after obtaining photostat copies of the same.)

Order made in

Crl.O.P(MD)No.6551 of 2022

08.04.2022

KM(CO)

TR(22.04.2022) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>