

GJGS020018522025



CRMA No. 397/2025
ORDER BELOW EXHIBIT-1

1. The present application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been filed by the applicant on **16.05.2025** seeking assistance of this Court for taking possession of the secured assets.
2. After registration of the application, the matter was posted on **24.06.2025** for hearing and verification of the documents. On the said date, neither the applicant nor its learned advocate remained present before the Court. Thereafter, on subsequent dates also, the applicant failed to remain present. The record reveals that the learned advocate for the applicant remained absent continuously and thereafter appeared for the first time on **01.11.2025**. On that date, the matter was adjourned for production of requisite documents and was posted to **29.11.2025**.
3. However, on **29.11.2025**, neither the applicant nor its learned advocate remained present before the Court. No oral or written application seeking adjournment or explaining the absence was submitted. Thereafter also, no one appeared on behalf of the applicant for several dates and no compliance was made till **28.02.2026**.
4. On **28.02.2026**, the learned advocate for the applicant appeared before the Court; however, even on that date, the

requisite documents were not produced. Considering the interest of justice, one more opportunity was granted and the matter was adjourned to **04.04.2026**.

5. Thereafter, during the pendency of the present proceedings, a withdrawal pursis relating to the present application was received in this Court through routine process from the Court of the learned Chief Judicial Magistrate. Since the said pursis was not filed directly before this Court and its genuineness required verification, the learned advocate appearing on behalf of the applicant was called upon to clarify the same. Advocate Shri R.A.Kansagara appeared before the Court and submitted that he was only a joint advocate in the matter and that the main advocate could not be contacted. He expressed his inability to confirm whether the withdrawal pursis was genuine or whether it had been filed under proper instructions.
6. In view thereof, this Court directed that the main learned advocate for the applicant shall remain present on the next date of hearing and clarify the withdrawal pursis as well as proceed with the application, failing which appropriate orders would be passed. Despite such direction, neither the applicant nor its authorised officer nor the learned advocate has remained present before this Court thereafter. No explanation has been offered. The withdrawal pursis has also remained unverified.
7. The conduct of the applicant clearly demonstrates complete lack of interest in prosecuting the present proceedings. The applicant has repeatedly failed to remain present, has failed to

produce the requisite documents despite sufficient opportunities, has failed to comply with the directions issued by this Court, and has also failed to verify the withdrawal pursis allegedly submitted on its behalf.

8. Though proceedings under Section 14 of the SARFAESI Act are summary in nature, the secured creditor is under a statutory obligation to satisfy the Court regarding compliance with the requirements of Section 14 and to diligently prosecute the proceedings. The Court cannot keep such proceedings pending indefinitely on account of repeated default on the part of the applicant.
9. Thus, after filing of the present application, the applicant has remained absent on several occasions. Despite repeated opportunities, neither the authorised officer nor the learned advocate produced the requisite documents for verification as contemplated under Section 14 of the SARFAESI Act. An unverified withdrawal pursis was also received through routine process from another Court; however, despite specific direction, the applicant failed to confirm its authenticity. The conduct of the applicant demonstrates complete lack of diligence in prosecuting the proceedings. The Court cannot keep the application pending indefinitely.
10. The Hon'ble Supreme Court has consistently held that repeated adjournments and lack of diligence on the part of a litigant cannot be encouraged and that courts are not expected to keep proceedings pending indefinitely merely because a party fails to prosecute its case. Reference may be made to

Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344;

11. In the facts and circumstances of the present case, no useful purpose would be served by granting further adjournments. Since the applicant itself has failed to prosecute the application and has failed to comply with the directions of this Court, the present proceedings deserve to be terminated.

ORDER

1. The application below Exhibit-1 filed under Section 14 of the SARFAESI Act, 2002 is **dismissed for want of prosecution.**
2. Such dismissal is **not on merits** and shall not preclude the applicant from filing a **fresh application**, if so advised, in accordance with law and subject to fulfilment of all statutory requirements.
3. The withdrawal pursis received through routine process from the Court of the learned Chief Judicial Magistrate, having remained unverified despite opportunity granted to the applicant, is not acted upon. .

Pronounced in open Court on this 10TH day of July , 2026

Date : 10.07.2026
Place : Veraval

(A. V. Chaudhary)
Add. Chief Judicial Magistrate,
Veraval @ Gir-Somnath.
Judge Code : GJ 01250