



2026:CGHC:21513



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 560 of 2026

Bank of Baroda Through Authorised Officer (Chief Manager)
Mrutyunjay Khatua, S/o Kalandi Charan Khatua Aged About 44 Years
Office At Main Branch Dhamtari, District Dhamtari (C.G.)

... Petitioner

versus

1 - M/s Rakesh Kumar Vaidya Through Proprietor Rakesh Kumar Vaidya
S/o Dwarka Prasad Vaidya Office At House No. 108, School Chowk
Danitola Ward Dhamtari District Dhamtari (C.G.)

2 - Dwarka Prasad Vaidya S/o Shyamlal Vaidya R/o House No.108,
School Chowk Danitola Ward Dhamtari District Dhamtari (C.G.)

... Respondents

For Petitioner : Mr. Saket Pandey, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

07/05/2026

The present writ petition under Article 227 of the Constitution of
India has been filed seeking, *inter alia*, the following reliefs:



“10.1 That, the records pertaining to the case of the petitioner, may be kindly called for the kind perusal of this Hon’ble Court.

10.2 That, the Hon’ble Court may kindly direct the Court Below to register and decide the application of petitioner pending as Criminal case No./2172/2024 (filing number) as per section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act of 2002, in the interest of justice.

10.3 That any other relief which this Hon’ble court may deem fit and just in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioner is a Bank which has provided financial assistance to the borrowers after which the borrowers have defaulted in the repayment of the loan amount because of which the loan account of the borrowers is declared as non performing asset. He would further submit that thereafter a notice was issued to the borrower under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and despite that the borrowers were unable to repay the loan amount and a notice was issued for possession. He would next submit that the petitioner took the recourse of preferring an application under Section 14 of the Act, 2002 and the decision upon the said application is to be taken within a period of sixty days but till date no order of verification is passed by the concerned Court. It is, therefore, prayed that this Court may issue appropriate directions for expeditious disposal of the



said proceedings, within a reasonable period of time.

3. I have heard learned counsel for the petitioner and perused the material available on record.

4. From the order-sheets appended with the writ petition, it is evident that the execution proceedings are pending consideration before the learned Executing Court since 24/09/2024.

5. In view of the aforesaid, and having regard to the nature of the dispute, this Court deems it appropriate to direct the learned Executing Court to make an earnest endeavour to conclude the proceedings within a reasonable period of time, subject to cooperation of the parties. While issuing the aforesaid direction, this Court also takes note of the law laid down by the Apex Court in *Periyammal (Dead) through LRs & Ors. vs. V. Rajamani & Anr., decided on 6th March, 2025 (2025 INSC 329) Para 75*, wherein it has been emphasized that execution petitions should ordinarily be decided and disposed of within a period of six months. It has been reproduced as under:

“75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the



execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports."

6. Accordingly, the learned Executing Court is directed to proceed with the matter expeditiously and endeavour to conclude the execution proceedings at the earliest in accordance with law.
7. With the above observations and directions, the writ petition stands disposed of.
8. Pending interlocutory application(s), if any, also stand disposed of.

Sd/-

(Ravindra Kumar Agrawal)

Judge