

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4188 of 2026**

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M/S. PARVATI SAREES (PROPRIETORSHIP FIRM) & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

ADITYA A GUPTA(7875) for the Applicant(s) No. 1,2,3
PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 25/03/2026****ORAL ORDER**

Learned advocate appearing for the petitioners submitted that the secured creditors had applied to the learned Court for taking over possession of the property of the petitioners. Upon which, the learned Court below has appointed one Mahesh M. Raikha (Assistant) as Court Commissioner.

However, in view of the judgment of Honourable Supreme Court rendered in the case of NKGSB Cooperative Bank Limited vs. Subir Chakravarty reported in (2022) 10 SCC 286, observed that such appointment of a Court Commissioner for taking permission is impermissible in law and the secured creditor is required to follow the statutory mechanism.

Notice returnable on 22.07.2026.

Ad-interim relief in terms of Para-7(c) is granted till then.

(M. R. MENGDEY,J)

NABILA