

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6010 of 2026**

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SAVJIBHAI RATUBHAI SITAPARA & ORS.

Versus

INDIA BANK THRO YASH ANAND & ORS.
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Appearance:

ASPI KAPADIA with MR VATSAL M PATEL(13752) for the Applicant(s) No.
1,2,3,4,5,6

MR.HIMANSHU PATEL, APP for the Respondent(s) No. 26
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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 29/04/2026****ORDER**

From the record, it appears that the learned Chief Judicial Magistrate, Morbi, vide order dated 09.04.2026, has appointed bench clerks working in the establishment of the Civil Court at Morbi, as a Court Commissioner and the possession of the property in question is sought to be taken over at the hands of bench clerks. In view of the decision of the Apex Court in case of NKGSB Cooperative Bank Limited versus Subir Chakravarty and others reported in 2022(10) SCC 286 the practice of appointing the clerical staff of the Court as Court Commissioner is deprecated.

Issue Notice returnable on 07.08.2026. Learned APP waives service of notice on behalf of the respondent No. 26.

Ad-interim relief in terms of Para-8(C) till the next date of hearing.

(M. R. MENGDEY,J)

NABILA