

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6658 of 2026**

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SAVJIBHAI RATUBHAI SITAPARA S/O SITAPARA RATUBHAI & ORS.
Versus
INDIAN BANK & ORS.

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Appearance:

MR VATSAL M PATEL(13752) for the Applicant(s) No. 1,2,3,4,5,6,7,8
PUBLIC PROSECUTOR for the Respondent(s) No. 24

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 07/05/2026****ORDER**

From the record, it appears that learned 14th Additional Chief Judicial Magistrate, Rajkot, vide order dated 24.4.2026, has appointed Mr.H.K.Chavda, Assistant, Civil Court, Rajkot, working in the establishment of the Civil Court at Rajkot, as a Court Commissioner and the possession of the property in question is sought to be taken over at the hands of the assistant. 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 clerical staff of the Court as Court Commissioner is deprecated.

Issue Notice returnable on 7.8.2026. Learned APP waives service of notice on behalf of the respondent No. 24.

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

(M. R. MENGDEY,J)

Manshi