

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6806 of 2026**

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HARISH GOMAJI PARIHAR & ANR.

Versus

AADHAR HOUSING FINANCE LTD. THRO ABHILASH UNNITHAN & ANR.

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Appearance:

HARSHADA K DARJI(7537) for the Applicant(s) No. 1,2

MR MANAN MAHETA, APP for the RESPONDENT(s) No. 1

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

1. Learned advocate for the petitioner submitted that learned 4th Additional Chief Judicial Magistrate, Ahmedabad City vide order dated 23.1.2026 has authorized one Mr. J.M.Rathod, Assistant Superintendent of the Court under Section 14(1-A) of the SARFAESI Act, for taking possession of the property in question and pursuant thereto the Court Commissioner has issued notice for taking over the possession of the property in question on 9.5.2026. She further submitted that in view of the settled law, the subordinate staff of the Court cannot be appointed as Court Commissioner. She also seeks to rely upon the judgment of the Hon'ble Apex Court in the case of NKGSB Co-operative Bank Limited Vs. Subir Chakravarty & Ors.

2. Heard learned advocate for the petitioner. Having regard to the fact that in view of the judgment of the Hon'ble Apex Court in the case of NKGSB Co-operative Bank Limited (supra), the staff of the subordinate court cannot be appointed as a Court Commissioner for taking over the possession under Section 14(1-A) of the SARFAESI Act, issue, Notice,

returnable on 31.8.2026. Learned APP waives service of notice on behalf of the respondent State.

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

Direct service is permitted.

Manshi

(M. R. MENGDEY,J)