

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 8394 of 2026**=====
JATINBHAI NAGARDAS NATHWANI & ORS.**Versus****CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED &
ANR.**
=====

Appearance:

MR. PARAM H. VYAS(19343) for the Applicant(s) No. 1,2,3,4,5

NISARG H VYAS(9431) for the Applicant(s) No. 1,2,3,4,5

MR. ROHAN RAVAL, APP for the Respondent(s) No. 2
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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 19/06/2026****ORDER**

From the record, it appears that learned Chief Judicial Magistrate, Surat vide order dated 30.05.2026 passed in Criminal Misc. Application No.5697 of 2026, has appointed Mr. Jashvantbhai R. Lad, Pragya K. Desai, Mr. Rajeshkumar B. Barodiya, Mr. Chandrakant D. Kokas, Mr. Brijesh G. Patel and Mr. Manishkumar D. Patel (Bench Clerks, GR-II) as a Court Commissioners and the possession of the properties in question are sought to be taken over at the hands of the above referred Court Commissioners. In view of the decision of the Hon'ble 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 22.09.2026. Learned APP waives service of notice on behalf of the respondent – State.

In the meantime, there shall be Ad-interim relief in terms of Para-8(C) till the next date of hearing. Direct service is permitted.

RAVI OZA

(M. R. MENGDEY,J)