

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9251 of 2026**

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PATEL FOUNDRY THRO ITS PARTNERS & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. MITUL K. SHELAT, SENIOR ADVOCATE with MS. PRIYANSHI V
TRIVEDI(17555) for the Applicant(s) No. 1,2,3,4

MR. TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY****Date : 06/07/2026****ORDER**

1. Vide order dated 8.6.2026 passed by learned 13th Additional Chief Judicial Magistrate, Rajkot has appointed the Assistant, Municipal Court, Rajkot, namely Mr. N.A.Yadav as the Court Commissioner under Section 14 (1- A) of the SARFAESI Act for the purpose of taking possession of the property. In view of the judgment of the Apex Court in the case of NKGSB Cooperative Bank Ltd. Vs. Subir Chakravarty (2022) 10 SCC 286, issue, Notice, returnable on 30.9.2026.

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

3. Learned senior counsel appearing for the petitioner submitted that against the same, an appeal had already been preferred before the Appellate authority, however, the appropriate Note for withdrawal of the said appeal had already been presented.

4. Ad-interim relief in terms of para 9(B) till the next date of hearing. Direct service is permitted today.

(M. R. MENGDEY,J)

J.N.W / 4