

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9381 of 2026

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VIRESH UPENDRABHAI PITTALWALA S/O UPENDRABHAI PITTALWALA
& ANR.

Versus

AXIS BANK LIMITED THRU MR. BHAVESH UDASI & ANR.

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Appearance:

JAYDEEPSINH H RAJPUT(8185) for the Applicant(s) No. 1,2
MR. TRUPESH KATHIRIYA, APP for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 03/07/2026

ORDER

From the record, it appears that learned 10th Additional Senior Civil Judge and A.C.J.M., Surat vide order dated 19.01.2026 passed in Criminal Misc. Application No.18016 of 2025, has appointed Ms. Gayatriben B. Patil, Bench Clerk, Gr-III 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 Commissioner. 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 05.10.2026. 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(D) till the next date of hearing.

Direct service is permitted today.

(M. R. MENGDEY,J)

RAVI OZA