

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9368 of 2026

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RAJESHBHAI KANTILAL CHAUHAN
 Versus
 ENCORE ASSET RECONSTRUCTION COMPANY PRIVATE LIMITED &
 ANR.

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Appearance:

MR MAULIK H SAYANI(13659) for the Applicant(s) No. 1
 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 30th Additional Chief Judicial Magistrate, Ahmedabad vide order dated 03.04.2026 passed in Criminal Misc. Application No.2045 of 2026, has appointed Mr. V.H. Chavda, Assistant Superintendent as a Court Commissioner 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-17(c) till the next date of hearing.

(M. R. MENGDEY,J)

RAVI OZA