

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 10144 of 2026**

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NIRANJAN DWARKAPRASAD AGARWAL & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. M.R. BHATT, LEARNED SENIOR ADVOCATE WITH R P
PANSARI(7439) for the Applicant(s) No. 1,2

NOTICE NOT RECD BACK for the Respondent(s) No. 2

MR. J.K. SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 30/07/2026****ORDER**

Learned Advocate Mr. V.N. Sevak shall appearing for the respondent – bank shall file his appearance before the Registry.

Learned Advocate appearing for the petitioners submits that the petitioners would like to withdraw the present petition with a view to approach the learned Debt Recovery Tribunal. However, the Court Commissioner has issued notice to the petitioners for taking over of the possession of the property in question on 02.08.2026. The petitioners may be granted some time to approach the learned Debt Recovery Tribunal and the Court Commissioner be directed not to take the possession of the property in question for some reasonable time.

The request is vehemently opposed by the learned Advocate Mr. V.N. Sevak appearing for the respondents.

Since, the petitioners want to approach the appropriate forum against the impugned order, the present petition is permitted to be withdrawn as requested.

The Court Commissioner shall not proceed with the taking over of the possession of the property in question for a period of 15 days from today to enable the petitioners to take recourse to the appropriate remedy.

With these observations, the present petition stands disposed of as withdrawn.

Direct service is permitted.

(M. R. MENGDEY,J)

RAVI OZA