

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4354/2026

AU Small Finance Bank Ltd., Through Its Authorized Officer
Gaurav Bhati S/o Shri Purushottam, Aged About 36 Years,
Having Office At Plot No. 29, Shantivan 5Th Floor, 11Th A Road,
Sardarpura, Jodhpur Au Small Finance Bank Limited Office
Jodhpur

-----Petitioner

Versus

1. R.K. Hardware, Ward No. 03, Pankha Road, Churu, Tehsil
And District Churu
2. Kasam Ali Khan S/o Rahim Khan, Ward No. 03, Pankha
Road, Churu Tehsil And District Churu
3. Jagdish S/o Laxman Ram, Khinwasar Tehsil And District
Churu
4. Superintendent Of Police, Churu Raj
5. S.h.o, Police Station Dudwakhara, District Churu
Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Bharat Shrimali Mr. Prashant Bhatt
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/02/2026

1. The present writ petition has been filed with the following
prayer :-

*"It is therefore, most humble prayed that this writ petition
may kindly be allowed with cost and be an appropriate writ,
order or direction:-*

*a) The respondent no. 4 & 5 may kindly be directed to
provide requisite assistance without any additional cost to
restore the physical possession of the secured/mortgaged
asset within period of two weeks.*

b) The possession of the secured/mortgaged property, more particularly described in Annexure-2 be restored back to the petitioner-bank and directed to register appropriate criminal case/proceedings against private respondent in light of the facts and circumstances of the case, particularly in response to the complaint filed by the petitioner-bank, i.e., Annexure-4 & 5.

c) That any other order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may also be passed."

2. Learned counsel for the petitioner submits that an identical petition being **S.B. Civil Writ Petition No.19359/2025 (Au Small Finance Bank Ltd. Vs. Jai Ma Jogniya Motors and Ors.)** has been disposed of by a Co-ordinate Bench of this Court vide order dated 08.10.2025, wherein it was observed as under :-

"5. Heard learned counsel for the petitioner. Perused the material available on record.

6. Having considered the facts and circumstances of the case, this Court deems it just and appropriate to dispose of the present writ petition with a direction to the Superintendent of Police, Chittorgarh and SHO, Bengu to act immediately take appropriate action for restoring the possession of the mortgaged property to the bank, in accordance with law. This Court is compelled to observe that if the petitioner is not allowed to take possession of the said property, it will amount to clear case of defiance of law and, therefore, the Superintendent of Police, Chittorgarh and SHO, Bengu are under an obligation to act in consonance with the provisions of law for restoring the possession of the petitioner in the circumstance since the petitioner has already approached them.

7. It is expected from the Superintendent of Police, Chittorgarh and SHO, Bengu that appropriate action for restoring the possession of the mortgaged property in favour of the petitioner Bank shall be taken by them within a period of fifteen days from the date of receipt of certified copy of this order. 8. With the aforesaid directions, the present writ petition as well as stay application stand disposed of."

3. He further submits that the present petition may also be decided in the same terms as in the said writ petition.

4. Learned counsel for the respondents does not oppose the above submissions made by the learned counsel for the petitioner.

5. In view of the submissions made above, the present writ petition is **disposed of** in the same terms as **Au Small Finance Bank Ltd. (supra)**.

6. Stay petition also stands disposed of accordingly.

(KULDEEP MATHUR),J