



2026:UHC:4291

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1622 of 2026

30 May, 2026

ICICI Home Finance Company Ltd.

--Petitioner

Versus

5th Additional Chief Judicial Magistrate and Others

--Respondents

Presence:-

Mr. Suryakant Maithani, learned counsel for petitioner.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioner has moved this writ petition seeking for a direction in the nature of mandamus to the respondent no.1 to decide the Complaint Case No.489 of 2025 titled as *ICICI Home Finance Vs. Wazid & Another* (Annexure-5 to the writ petition) and to complete the task of handing over the physical possession of the secured asset as well as documents of the secured asset to the petitioner Bank expeditiously within a shortest period prescribed by this Court.

2. It is contended by learned counsel for the petitioner that petitioner-secured creditor has moved the application to learned CJM on 20.12.2025, under Section 14 of the SARFAESI Act, 2002 to assist secured creditor in taking possession of secured asset supported by an affidavit, which was registered as Complaint Case No.489 of 2025 titled as *ICICI Home Finance Vs. Wazid & Another*. He further submitted that, till date, no progress has been made in the said application and it remains pending as originally filed.

3. An innocuous prayer has been made by learned counsel for petitioner to this Court seeking a direction to the respondent no.1 to decide the said application within stipulated period.



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4. The attention of this Court has been drawn by learned counsel for petitioner to proviso to Section 14 of the SARFAESI Act, 2002, wherein, it is provided that after being satisfied with contents of the affidavits, the District Magistrate or the Chief Metropolitan Magistrate may pass suitable orders for the purpose of taking possession of the secured assets within a period of thirty days from the date of application and further proviso provides that the District Magistrate/Chief Metropolitan Magistrate may decide such application for a further period, recording the reasons in writing for the same, and pass the order within such further period but not exceeding in aggregate sixty days.

5. I have perused the proviso to Section 14 of the SARFAESI Act, 2002 and find that the submissions made by learned counsel for the petitioner are correct. The application has been pending since 20.12.2025 before the CJM.

6. In view of the above, the writ petition is disposed of with a direction to respondent no.1 to decide the application dated 20.12.2025, titled Complaint Case No. 489 of 2025 titled as *ICICI Home Finance Vs. Wazid & Another*, within a period of thirty days from the date of production of certified copy of this order, strictly in accordance with law.

(Pankaj Purohit, J.)
30.05.2026

PN