CGHC010428782026 2026:CGHC:46268

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5477 of 2026

1 - Smt. Lalita Bai Jain W/o Late Shri Ashok Jain Aged About 60 Years R/o. H.No. 34 Ward No. 26, Dabal Print Chir Bangla Marg Kawardha, Distt. Kabirdham (C.G.)

VISHAKHA BEOHAR Digitally signed by VISHAKHA BEOHAR

2 - Alok Jain S/o Late Shri Ashok Jain Aged About 36 Years R/o. H.No. 34 Ward No. 26, Dabal Print Chir Bangla Marg Kawardha, Distt. Kabirdham (C.G.)

3 - Alesh Jain S/o Late Shri Ashok Jain Aged About 30 Years R/o. H.No. 34 Ward No. 26, Dabal Print Chir Bangla Marg Kawardha, Distt. Kabirdham (C.G.)

... Petitioner(s)

versus

1 - India Shelter Finance Corporation Ltd. Through Its Authorised Officer, 2nd Floor, Chawla Tower, Shankar Nagar, Uppar Portion Of Radio Mirchi, Raipur 492001 (C.G.)

2 - The Tahsildar Kawardha, Distt. Kabirdham (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Niraj Baghel, Advocate

For State :- Mr. Avinash Chand Sahu, Dy. A.G.

For Respondent No. 2 :- Mr. Amit Nayak, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

02.11.2026

1. By way of the present petition, the petitioners have called in question the legality and validity of the ex parte order dated 11.09.2026 passed by the learned Chief Judicial Magistrate, Kawardha, District Kabirdham (C.G.), whereby directions have been issued for taking possession of the property belonging to the petitioners. The petitioners contend that the impugned proceedings have been initiated and carried out without affording them an opportunity of hearing and without due consideration of the facts and circumstances of the case.

2. The petitioners have approached this Court seeking following appropriate reliefs :-

> "*10.1 That, the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner,*
>
> *10.2 That the Hon'ble Court may kindly be pleased to Restrain Respondent NO. 2 from taking physical possession of the subject land in pursuance of the order dated 11.09.2026 (Annexure P-1), in the interest of justice.*
>
> *10.3 To kindly make any other order or Writ that may be deemed fit and just in the facts and*

circumstances of the case including awarding of the costs to the petitioner.

10.4 Any other relief order or direction which may deem fit and just in the facts and circumstances of the case including the cost of the petition."

3. Learned counsel appearing for the petitioners submits that the petitioners are aggrieved by the order dated 11.09.2026, whereby, while deciding the application under Section 14 of the SARFAESI Act, 2002, the learned Chief Judicial Magistrate has directed the delivery of possession of the secured asset to the respondent-finance company. He further submits that the petitioners have already preferred a securitisation appeal, registered as Diary No. 3639/2026, which is pending consideration. However, on account of the non-functioning of the Debts Recovery Tribunal (DRT) in an effective manner, the securitisation appeal, along with the application for interim relief, could not be taken up for hearing. It is further submitted that the matters pertaining to DRT, Jabalpur, are presently being dealt with by DRT, Ahmedabad (In-charge DRT, Jabalpur). Therefore, learned counsel prays that some interim protection may be granted to the petitioners so that no coercive steps are taken against them by the respondent-finance company until the securitisation appeal along with the application for interim relief is taken up for consideration.

4. Having considered the submissions made by learned counsel for the petitioners and the fact that the securitisation appeal bearing

Diary No. 3639/2026 is already pending consideration before the competent Tribunal, this Court is of the view that the petitioners may approach the Tribunal by filing an appropriate application seeking urgent hearing of the securitisation appeal along with the application for interim relief.

5. Accordingly, the petition is **disposed of** with a direction to the petitioners to file an appropriate application seeking urgent hearing before the DRT, Ahmedabad (In-charge DRT, Jabalpur), within a period of 15 days from today. In the meanwhile, considering the peculiar facts and circumstances of the case, the respondents are directed not to take any coercive steps against the petitioners for a period of 15 days from today.

6. It is made clear that this Court has not expressed any opinion on the merits of the securitisation appeal, and the Tribunal shall consider the application for urgent hearing and the application for interim relief in accordance with law.

7. With the aforesaid observations and directions, the petition stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha