HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21585/2026
CNR: RJHC020948452026 | URN: CW / 45326U / 2026

Cholamandlam Investment and Finance Company Limited, Registered Office At "Chola Crest, Super B, C54 & C55,4, Thiru Vi Ka Industrial Estate, Guindy, Chennai-600032, Tamil Nadu And Branch Office at 5Th, 6Th Floor Plot No.306,308,309 Gomes Defence Colony Vaishali Nagar Jaipur-302021, Rajasthan through its Authorized Signatory Pawan Kumar Nagar S/o Shri Ramsahay Dhakad.

----Petitioner/Applicant

Versus

1. Surendra Singh S/o Mansingh, R/o Kalp Vriksha Colony, Halina Road, Ward No. 6, Nadbai, District Bharatpur-321602 Rajasthan.
   Also At:
   Mr. Surendra Singh S/o Mansingh R/o Patta No.2078, Plot No. 44A, Khasra No.2934, Halena Road, Kalpvriksha Colony, Nadbai, District Bhatatpur-321602 Rajasthan.
2. Mrs. Mithelesh Surendra W/o Surendra Singh, R/o Kalpvriksha Colony, Halena Road, Ward No. 6, Nadbai, District Bharatpur-321602 Rajasthan.
   Also At:
   Mrs. Mithelesh Surendra W/o Mr. Surendra Singh R/o Patta No.2078, Plost No. 44A, Khasra No.2934, Halena Road, Kalpvriksha Colony, Nadbai, District Bhatatpur-321602 Rajasthan.

----Respondents

For Petitioner(s) : Mr. Naman Yadav
For Respondent(s) :

HON'BLE MR. JUSTICE ANAND SHARMA

Order

28/10/2026

1. The instant writ petition has been filed by the petitioner with a prayer that the Chief Judicial Magistrate, Bharatpur

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(hereinafter to be referred as 'the trial Court') may be directed to decide the application No. 13/2026 filed by the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred as the 'Act of 2002) expeditiously.

2. Learned counsel for the petitioner submits that the petitioner has filed application under Section 14 of the Act of 2002 before the trial Court on 05.02.2026 seeking administrative assistance from the trial Court to take physical possession of the secured assets. However, the said application is still lying pending with the trial Court and the same has not been decided till date. Learned counsel for the petitioner submitted that the respondents vide loan agreements availed loan facility from the petitioner which was secured by mortgage and the petitioner is a secured creditor and has exclusive rights over the mortgage properties. However, the respondent is not allowing the petitioner to take physical decision of the secured assets. In such circumstances, the petitioner has to approach the trial Court by way of filing application under Section 14 of the Act of 2002 which is still lying pending with the trial Court.

4. Heard learned counsel for the petitioners and perused the record.

5. Although, ordinarily writ petitions are not entertained for directing the Courts below to decide any suit/proceedings in a time bound manner, yet looking to the peculiar facts and circumstances of the instant case, where after filing of application under Section 14 of the Act of 2002, 8 months have lapsed and till date, as per the petitioner, the same has not been decided by the

Chief Judicial Magistrate, Bharatpur, this Court finds it just and proper to dispose of the instant writ petition by directing the Chief Judicial Magistrate, Bharatpur to make an endeavour to decide Application No. 13/2026 filed by the petitioner expeditiously and preferably, within a period of six months from the date of receipt of certified copy of this order, strictly in accordance with law and after giving complete opportunity of hearing to both the parties. Parties to the petition are also directed to co-operate with Chief Judicial Magistrate, Bharatpur in deciding the matter expeditiously.

6. Accordingly, the writ petition stands disposed of.

7. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J

D-A/26/NEERU