

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. OF 2026
(@ SPECIAL LEAVE PETITION (C) NO. 26160 OF 2025)**

**M/S INDIA INFOLINE HOME
FINANCE LIMITED**

APPELLANT(S)

VERSUS

NAGESWARA RAO PERIKALA AND ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeal is directed against the order dated 27.06.2025, whereby the writ petition preferred by the appellant was disposed of.
3. The facts giving rise to the filing of the present appeal are that, in a proceeding initiated by the Appellant under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('the Act'), the Chief Judicial Magistrate (CJM), by an order dated 20.01.2025, appointed an Advocate Commissioner to execute the warrant of possession in respect of the secured asset. The Advocate Commissioner was

directed to submit an interim report in case police assistance was required. The entire exercise was directed to be completed within a period of thirty days.

4. The Advocate Commissioner visited the mortgaged property on 04.02.2025 and served the notice of possession upon the borrower, who sought time to repay the loan. The Advocate Commissioner again visited the mortgaged property on 15.02.2025 and attempted to secure possession. However, the respondents obstructed the process and prevented the execution of possession by resorting to violent means. On 20.02.2025, the Advocate Commissioner submitted an interim report before the CJM apprising the court of the difficulties faced in executing the warrant. Thereafter, the Advocate Commissioner again attempted to take possession of the mortgaged property on 25.02.2025 and 26.02.2025. However, the respondents once again obstructed the process.
5. On 28.02.2025, the Advocate Commissioner filed a memo before the CJM seeking extension of time for execution of the warrant of possession. By order dated 03.03.2025, the CJM directed the Advocate

Commissioner to submit a report regarding whether the warrant had been executed and further directed that, if the warrant had not been executed, the same be returned within weekdays. The CJM thereafter directed that the record of the case be consigned to the record room and accordingly closed the petition.

6. The appellant challenged the aforesaid order by filing a writ petition. The High Court, by order dated 27.06.2025, disposed of the writ petition granting liberty to the appellant to file a fresh petition under Section 14 of the Act before the CJM. It was further directed that, in the event such an application is filed, the same shall be entertained and appropriate orders shall be passed by the CJM.

7. Being aggrieved, the appellant has preferred the present appeal.

8. Learned senior counsel for the appellant, submitted that the time limits prescribed under Section 14 of the Act are directory and not mandatory. It is further submitted that the CJM erred in rejecting the memo filed by the Advocate Commissioner seeking extension of time for execution of the warrant. It is contended that

the order of the High Court defeats the object of the Act, and that the CJM, in proceedings under Section 14 of the Act, is under a statutory obligation to ensure execution of the warrant of possession in respect of the secured asset. In support of the aforesaid submissions, reliance has been placed on the decision of this Court¹.

9. Despite service of notice, none has appeared on behalf of the respondents.

10. We have considered the submissions made by learned senior counsel for the appellant and have perused the record. Section 14 of the Act enables secured creditors to approach the CJM or the District Magistrate for obtaining possession of a secured asset. The second proviso to Section 14(1) requires the CJM to pass suitable orders for the purpose of taking possession of the secured asset within a period of thirty days from the date of the application. Section 14(2) of the Act empowers the CJM or the District Magistrate to take steps, or cause such steps to be taken, and to use or cause to be used such force as may, in his opinion, be necessary. The CJM is under a statutory obligation to ensure that the warrant

¹ C. BRIGHT v. DISTRICT COLLECTOR AND OTHERS, (2021) 2 SCC 392

of possession is executed, and the secured creditor is not required to run from pillar to post. The inability to take possession within the prescribed time-limit does not render the District Magistrate functus officio. The secured creditor has no control over the District Magistrate, who exercises jurisdiction under Section 14 of the Act for public good in order to facilitate recovery of public dues. Therefore, Section 14 of the Act cannot be interpreted literally without considering the object and purpose of the Act².

11. In the present case, the CJM, without assigning any reason and without even considering the memo filed by the Advocate Commissioner seeking extension of time to execute the warrant of possession, mechanically directed the Commissioner to submit a report regarding the status of execution of the warrant of possession and further directed that, in the event the warrant had not been executed, the same be returned. The petition was consequently closed. The impugned order suffers from the vice of non-

² C. BRIGHT (Supra)

application of mind and amounts to abdication of the statutory duty cast upon the CJM under Section 14 of the Act. The High Court failed to appreciate the aforesaid aspect and instead granted liberty to the appellant to file a fresh petition under Section 14 of the Act.

12. For the foregoing reasons, the impugned orders dated 03.03.2025 and 27.06.2025 passed by the CJM and the High Court respectively are quashed and set aside. The proceedings under Section 14 of the Act in CrI. M.P. No.62 of 2025 are restored. The CJM is directed to provide Police protection to the Advocate Commissioner and to ensure that the warrant of possession is executed expeditiously, preferably within a period of one month.

13. In the result, the appeal is allowed. There shall be no order as to costs.

..... J.
[PAMIDIGHANTAM SRI NARASIMHA]

..... J.
[ALOK ARADHE]

NEW DELHI;
MARCH 16, 2026.

ITEM NO.43

COURT NO.6

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 26160/2025

[Arising out of impugned final judgment and order dated 27-06-2025 in WP No. 15667/2025 passed by the High Court of Andhra Pradesh at Amravati]

M/S. INDIA INFOLINE HOME FINANCE LIMITED

Petitioner(s)

VERSUS

NAGESWARA RAO PERIKALA & ORS.

Respondent(s)

[RETAIN ITS POSITION.]

IA No. 237852/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 221548/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 16-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. Gaurav Agarwal, Sr. Adv.
Mr. Nishant Awana, AOR
Ms. Rini Badoni, Adv.
Ms. Vanshita Gupta, Adv.
Ms. Nitya Sharma, Adv.
Ms. Rebecca Mishra, Adv.
Mr. G.S. Awana, Adv.
Mr. Mayank Chaudhary, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Civil Appeal is allowed in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)