

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 114 OF 2004
WITH
CIVIL APPLICATION NO. 95 OF 2006

Bank of Baroda	..	Applicants
VS.		
Messrs. Santosh Fabricators & Ors.	..	Respondents

None for Applicants.

Mr. M. S. Bhandari for Respondent Nos. 1 to 3.

CORAM : M. S. SONAK, J.

DATE: 18 APRIL 2015

P.C. :-

1] This CRA challenges order dated 2 September 1987 made by the 4th Joint Civil Judge, Senior Division, Pune, dismissing the applicants application at Exhibit '128' urging that the disposal of the property is in execution of decree without holding a public auction but by inviting tenders was improper.

2] Reliance was placed by the applicants upon the decision of this Court in the case of *Gulabsingh vs. Chandrapal Singh & Ors.*¹

3] There is no appearance on behalf of the revision applicants.

Mr. M. S. Bhandari appears for the respondent nos. 1 to 3.

¹ AIR 1987 Bombay 90

4] Having perused the impugned order and the records, it does appear that the applicants had objected to the disposal of the property in question by way of inviting tenders on an earlier occasion, including by way of instituting writ petition no. 422 of 1987. This petition was disposed of by order dated 23 January 1987 and the plea in this regard was rejected. The same is the position with regard to, other pleas raised in applications at Exhibits 61, 63, 73, 95 and 100.

5] In view of the aforesaid, it cannot be said that the learned Civil Judge exceeded jurisdiction or in the exercise of his jurisdiction acted with any material irregularity. The revision application is accordingly dismissed. Interim orders, if any, stands vacated. In the facts and circumstances of the case, there shall be no order as to costs.

6] In view of dismissal of the CRA, Civil Application does not survive and is disposed of accordingly.

(M. S. SONAK, J.)