

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.3307 OF 2016

Vithalrao Pandurang Kadam,
Age 80 years, Occu. Agriculturist,
R/o 13 Bungalow, Indirapath,
Bungalow No.11, Kopargaon,
Taluka Kopargaon,
District Ahmednagar

..Petitioner

Versus

1. Godavari Khore Cane
Transport Co.Pvt. Ltd.,
Gautamnagar, Post Kolpewadi,
Taluka Kopargaon,
District Ahmednagar
2. Ashok Ramchandra Nilkanth,
Age 46 years, Occu. Agriculture,
R/o Kumbhari, Taluka Kopargaon
District Ahmednagar
3. Vijay Kondaji Tilekar,
Age 56 years, Occu. Agriculture,
R/o Murshatpur, Taluka Kopargaon
District Ahmednagar
4. Sayyed Ismile Chand Patel (dead)
5. Bhagwat Dashrath Gudghe (dead)
6. Paraji Dada Gavali,
Age 45 years, Occu. Agriculture,
R/o Madhi Budruk,
Taluka Kopargaon,
District Ahmednagar

..Respondents

Mr S.P. Shah, Advocate for petitioner

CORAM : T.V. NALAWADE, J.

DATE : 24th August 2016

PER COURT

1. The petition is filed by judgment debtor for challenging the order dated 10th December 2015 made below Exh.88 in Regular

Darkhast No.52 of 2012 which is pending before the Civil Judge, Senior Division, Kopargaon.

2. The order is made of selling the attached property in auction sale. In the past, such order was made and one attempt was made to sell the property attached in auction sale, but no bidder came forward and so, the property could not be sold. By this order, auction sale is allowed by the executing Court.

3. Learned Counsel for the petitioner submitted that in the proclamation published, the property is not completely described and in the proclamation, the existence of well in Survey No.58/1 was not shown and due to that the value assessed for proclamation was not reasonable and proper. He submitted that due to that ground, the judgment debtor wants to challenge the sale. He submitted that though one bidder came forward and his bid is accepted, the sale has not become absolute.

4. If aforesaid contentions are accepted as it is, there is opportunity to judgment debtor to raise objection under Order XXI, Rule 90 of Code of Civil Procedure.

5. For the reasons and liberty, as aforesaid Writ Petition stands disposed of.

(T.V. NALAWADE, J.)

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