

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5934 OF 2016
IN WP/6303/2013

SANE GURUJI VIDYALAYA, SAVKHEDA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Shri Deshmukh Bhausaheb S.
AGP for Respondents : Smt. Raut S.S.
Advocate for Respondent 4 in WP : Shri Hon V.D. Sr. Advocate
i/b Shri Gaikwad P.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 04, 2016
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PER COURT :-

1. By this Civil Application, the petitioner prays for staying the auction, which is scheduled on 10.5.2016. Contention is that several disputed questions are involved in the main petition, which has been instituted in 31.7.2013. The applicant prays that for the reasons set out in the application, the auction be stayed.

2. The record and proceedings of this matter indicate that this applicant had initially taken out a Civil Application No.5049 of 2014 with regard to the auction that was proposed. This Court, by its order dated 9.6.2014, granted liberty to this applicant to deposit 50% of the amount as is disclosed in the auction notice and subject to the same, some relief could be granted. The applicant expressed its inability to deposit the amount and, therefore, this Court rejected the Civil Application.

3. Pursuant to the order dated 9.6.2014, the petitioner approached the Honourable Supreme Court, which, by order dated 23.2.2015 observed as under:-

“ Having considered the arguments advanced, we are not inclined to

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interfere. The Special leave Petition is dismissed. However, if the petitioner makes the pre-deposit in terms of the order of the High Court within two weeks from today, its application for interim relief will be considered by the High Court in accordance with law. In the event, the petitioner does not make the pre-deposit within the time fixed by this Court i.e. two weeks from today, the property in question may be auctioned, as proposed.”

4. Shri Hon, the learned Sr. Advocate points that the relief granted by the Honourable Supreme Court, which was conditional, stood vacated after two weeks from the date of the order since the applicant herein, did not deposit the pre-deposit amount.

5. In the light of the above and considering the fact that the auction is scheduled on 10.5.2016 and the amount which is indicated is Rs.1,17,37,695/-, the applicant is at liberty to deposit 50% of the said amount, either by demand draft or by banker's cheque, on/or before the 8.5.2016 with the Special Recovery Officer. If the said amount is deposited, the Special Recovery Officer may proceed with the auction but would not finalize the sale proceedings until further orders.

6. If the said amount is not deposited, there shall be no relief to the applicant and the auction shall proceed as per its schedule.

7. This Civil Application is disposed off in the above terms.

(RAVINDRA V. GHUGE, J.)

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