

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8243 OF 2013

Shri Mohanlal Kashinath Gujarathi ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. S.S. Kanetkar for the petitioner.
Ms. Aparna D. Vhatkar, A.G.P. for respondent Nos.1, 2 and 5.
Mr. P.G. Sarda for respondent No.4.
Mr. V.B. Tapkir for respondent No.6.

**CORAM : M.S. SONAK, J.
DATE : 17 JUNE, 2016.**

PC. :

- 1 Heard learned counsel for the parties.
- 2 Rule with the consent of and at the request of the learned counsel for the parties. Rule is made returnable forthwith.
- 3 Considering the facts and circumstances on record, it is only the petitioner and respondent No.6, who can be said to be seriously concerned with the impugned order. Respondent No.4 – Bank, it appears, has already received the amounts from the respondent No.6 towards sale for auction of the suit premises.
- 4 The petitioner has raised several objections to the conduct of auction. However, the impugned order has dealt with only one of the objections, i.e. the publication of the auction notice. In these

circumstances, learned counsel for the petitioner as well as respondent No.6 agree that it would be appropriate if the matter is remanded to the Revisional Authority for reconsideration of the petitioner's Revision Application, on its own merits and in accordance with law.

5 Accordingly, the present Petition is disposed of with the following order :-

a) Impugned order dated 18.06.2013 is hereby set aside.

b) The petitioner's Revision Application No.242 of 2007 is remanded for reconsideration by the Revisional Authority. The Revisional Authority shall afford the hearing to all the parties to Revision Application and dispose of the Revision Application, on its own merits and in accordance with law.

c) The amount deposited by the petitioner in this Court shall stand transferred to the Revisional Authority to the account of Revision Application No.242 of 2007. Registry to do the needful within a period of four weeks from today. Revisional Authority to make an appropriate order in the matter of investment of such amount. Fate of such amount shall abide by the orders, which the Revisional Authority will ultimately pass whilst disposing of the Revision Application.

d) The parties to maintain status-quo during the pendency of final disposal of the Revision Application now remanded.

e) Revisional Authority directed to dispose of the Revision Application, as expeditiously as possible and in any case, within a period of six months from today.

f) Parties to appear before the Revisional Authority on 05.07.2016 at 3.00 p.m. and produce authenticated copy of this order. All contentions of all parties are left open to be decided by the Revisional Authority.

g) Parties are at liberty to file additional documents/affidavits before the Revisional Authority. They may do so latest by 05.08.2016.

6 Petition is disposed of in the aforesaid terms. There is no order as to costs.

7 All concerned to act on the basis of authenticated copy of this order.

(M.S. SONAK, J.)