

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

**REVIEW APPLICATION (CIVIL) NO.335 OF 2012
IN
WRIT PEITITION NO.3223 OF 2012
WITH
CIVIL APPLICATION NO.13452 OF 2012
AND
CIVIL APPLICATION NO.6957 OF 2016
IN
REVIEW APPLICATION (CIVIL) NO.335/2012**

The Manager, Sahakar Mitra Shri
Chandrakant Hari Badesir Urban
Co-op Soc. Ltd.

...Applicant.

versus

Trimbak Dayaram Waykole and Others

...Respondents

Mr. Vinod P. Patil, Advocate for petitioners

None present for respondent Nos.1 and 2

Mr. S.K. Tambe, A.G.P. for respondent Nos.3 to 6

**CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.**

DATE : OCTOBER 10, 2017

PER COURT :

1. Heard learned counsel for review applicants.
Learned counsel for respondents No.1 and 2 - recovery
certificate holder of Consumer Forum is absent.
2. Delay in filing Review Application for the reasons
contended in Civil Application No.13452 of 2012 is allowed in
terms of prayer Clause "B".

3. This Court under its order dated 9th May, 2012, upon a Writ Petition filed by the recovery certificate holder had issued directions to Collector to take steps for execution of recovery certificate issued by District Consumer Redressal Forum.

4. Subsequently, it appears that the judgment debtors had approached this Court under present Review Application, whereupon, this Court under its order dated 23-11-2012 had issued notice and the auction of review applicant's properties was allowed to be proceeded with only to the extent of acceptance of final bid, with the further direction not to cause actual conveyance. Along with the same, review applicants were directed to deposit 25% of the amount to be recovered, in each case and they were further directed to deposit entire balance amount within a period of 10 days.

5. Learned counsel for the review applicant submits that accordingly, the entire amount due under recovery certificate had been paid. He submits that the amounts have already been withdrawn by the recovery certificate holder.

6. In the circumstances, in view of the aforesaid events,

the purpose underlying order in Writ Petition appears to have been fulfilled. As such, directions of High Court on 09-05-2012 are recalled and implementation of the directions in Writ Petition would not be necessary. The review application is disposed of with the aforesaid observations.

7. Learned Asstt.Govt.Pleader submits that Civil Application No.6957 of 2016 has been filed since the auction bidders have approached the District Collector to allow them to withdraw the amount they had deposited in the auction proceeding by them.

8. The Civil Application No.6957 of 2016 filed by the State is granted in terms of prayer Clause "B" and "C".

9. All the matters filed by respective parties are accordingly disposed of.

[SANGITRAO S. PATIL, J.]

[SUNIL P. DESHMUKH, J.]