

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

WRIT PETITION NO. 7573 OF 2013

SURESH PANDHARINATH JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Patil Vijay B.
AGP for Respondents: Mr. S N Morampalle
Advocate for Respondents : Mr S V Natu for 6 And 7
Kulkarni Krishna K. For R/4, 5

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WITH
CA/3246/2014 IN WP/7573/2013
WITH
CA/15132/2017 IN WP/7573/2013

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CORAM : V.K. JADHAV, J.
Dated: February 06, 2018

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PER COURT :-

1. Heard.
2. By order dated 4.9.2017 this Court has directed respondent nos. 6 and 7/original borrower to deposit Rs.10.00 lacs (Ten lacs) in this Court within a period of four weeks from the date of order and in the event of failure, appropriate orders will be passed. However, learned counsel submits that, respondent nos. 6 and 7 are not in a position to deposit the said amount, as directed by this Court. In view of the same, learned counsel for respondent nos. 6 and 7, on instructions, submits that, respondent nos. 6 and 7

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withdraw their application dated 1.1.2013 submitted before the Respondent No.4 Special Recovery and Sale Officer, appointed by the State Government.

3. In view of the above, impugned order passed on the aforesaid application dated 1.1.2013 is hereby quashed and set aside and the application dated 1.1.2013 filed by respondent nos. 6 and 7 before respondent No.4 is hereby rejected. Writ Petition accordingly disposed of. No costs.

4. Learned counsel for respondent nos. 6 and 7 seeks liberty to raise the grounds those are available to the respondent nos. 6 and 7 in the pending suit instituted by the present petitioner for execution of the sale deed.

5. Since respondent nos. 6 and 7 have withdrawn their application dated 1.1.2013, except the grounds raised in the said application, respondent nos. 6 and 7 are at liberty to raise other grounds those are available in the pending suit.

6. In view of disposal of writ petition, pending civil applications also stand disposed of.

(V.K. JADHAV, J.)

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