

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

**CIVIL APPLICATION NO. 12243 OF 2018
IN WP/8663/2018**

**ASHISH VISHNU GADEKAR AND OTHERS
VERSUS
THE BULDANA URBAN CO OP CREDIT SOCIETY LTD THROUGH
AUTHORIZED OFFICER AND ANOTHER**

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Advocate for the Applicants : Shri Matkar Narayan A.
Advocate for Respondent 1 : Shri V P Deshmukh.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th October, 2018

Per Court:

1 On 30.07.2018, this Court (Coram : Sunil P. Deshmukh, J.)
had granted the ad-interim protection against attachment.

2 When this matter was heard on 23.08.2018, this Court
(Coram : Myself) directed the Petitioners to deposit the outstanding
amount of Rs.86.10 lac before the Executing Court on or before
24.09.2018 as the blanket stay could not have been continued. It was,
therefore, observed in paragraphs 3 and 4 of the order dated 23.08.2018
as under :-

"3. *Learned Advocate for the petitioners submits on
instructions from all the petitioners that the petitioners
would deposit an amount of Rs.86,10,000/- before the
Executing Court on or before 24.09.2018.*

4. *In view of the said statement, the ad-interim protection granted by this Court on 30.07.2018 would stand continued only on the condition that the said amount would be deposited on or before 24.09.2018 before the Executing Court. Needless to state, the ad-interim protection would stand vacated if the said amount is not deposited or if there is any shortfall in the deposit, on 25.09.2018 without reference to the Court."*

3 By this Civil Application, the Applicants/ Petitioners prayed for time for depositing the amount of Rs.86.10 lac as a last chance.

4 The learned Advocate for the Applicants/ Petitioners submits that the Petitioners were unable to deposit the said amount. Now, some property is being sold by these Petitioners and it depends on processing of the transaction, that these Petitioners would receive their amounts and only thereafter, the said amount of Rs.86.10 lac would be deposited before the Executing Court. It is, however, clarified that as the auction sale of the property is scheduled on 13.11.2018, the Petitioners would deposit the amount of Rs.86.10 lac before the Executing Court on or before 12.11.2018, failing which, the auction can proceed on 13.11.2018.

5 In view of the above, the statement of the Applicants/ Petitioners is recorded and this Civil Application is disposed of by granting liberty to the Applicants to deposit the amount of Rs.86.10 lac before the Executing Court on or before 12.11.2018. There shall be no request for extension of time.

6 If the said amount is not deposited, the concerned authorities are at liberty to proceed with the auction sale on 13.11.2018 and the Petitioners shall be restrained from creating any obstruction or obstacle, in any manner whatsoever, in the said auction proceedings.

kps

(RAVINDRA V. GHUGE, J.)