

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO.25059 OF 2018

Jagdish Jivandas Gupta

..... Petitioner

VERSUS

**Vyankatraoji Hire Nagari Sahakari
Patsanstha Ltd. & Anr.**

..... Respondents

Ms.Pranita P. Hingmire for the Petitioner.

Mr.Suresh M.Sabrad, a/w. Mr.Amey C. Sawant for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 2nd NOVEMBER, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the judgment and order dated 22nd June, 2018 and 25th July, 2018 passed by the 2nd Joint Civil Judge, Senior Division, Niphad in Special Darkhast No.04 of 2010 thereby accepting the bid of the third party auction purchaser and issuing share certificate in favour of such auction purchaser.

2. It is the case of the petitioner that though the petitioner had borrowed the amount from the respondent no.1 on the premise that the petitioner was the owner of the said property, the petitioner was a tenant in respect of the said property and not the owner of the said property. It is submitted that the issue of title is still pending before this court in Second Appeal No. 57 of 2013. She does not dispute that there is no stay granted by this court in the said second appeal.

3. The auction purchaser has already paid the entire bid amount whose bid is already accepted. Sale certificate is already issued in favour of the auction purchaser. The award rendered in favour of the respondent and against the petitioner has attained finality.

4. There is thus no merit in this writ petition and is accordingly dismissed. No order as to costs.

[R.D. DHANUKA, J.]