

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11203 OF 2019

Jyotiram s/o Digambar Pawar

Petitioner

Versus

Osmanabad Janta Sahakari Bank Ltd.
& others

Respondents

Mr. K.K. Kulkarni, advocate for the petitioner.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th September, 2019

PER COURT:

1. The petitioner is undisputedly a Judgment Debtor. Execution proceedings in RD No. 31/2013 are in progress. By an order dated 09.07.2019, passed below Exhibit 30, the Executing Court had permitted the petitioner to deposit an amount of Rs. 2,50,000/- in the Court and, on the condition of deposit of the amount, the first and second auction biddings scheduled on 15.07.2019 and 30.07.2019 were stayed. The said order however, does not reflect any time frame within which the petitioner was to deposit the amount. The learned Advocate for the petitioner relies upon the roznama dated 09.07.2019 and 15.07.2019 to indicate that the next date of hearing in the execution proceedings was posted on 04.10.2019.

2. The learned Advocate further submits that Exhibit 32 was filed by the bank before the Executing Court on 31.07.2019 praying for vacating the order dated 09.07.2019. By the impugned order dated 20.08.2019, the Executing Court vacated the protection granted and permitted the execution proceedings to proceed with fresh first, second and third auction bids on 20.09.2019, 05.10.2019 and 20.10.2019.

3. After hearing extensive submissions of the learned Advocate for the petitioner, I expressed my dis-inclination towards entertaining this petition.

4. The learned Advocate for the petitioner, on instructions from the petitioner, who is present in the Court, submits that he would move a fresh application before the Executing Court on or before 17.09.2019 by depositing Rs. 1,00,000/- in the Court instantly on the same date and by filing an affidavit that he would deposit an amount of Rs. 1,50,000/- on or before 04.10.2019.

4. In view of the above, the petition is disposed off. If the petitioner files an application on or before 17.09.2019 alongwith a Demand Draft or banker's cheque for an amount of Rs. 1,00,000/-,

the Executing Court may consider the said application subject to hearing the respondents and pass appropriate orders. This Court has not expressed any opinion on this issue.

RAVINDRA V. GHUGE
JUDGE

dyb