

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

**CIVIL APPLICATION NO.1117 OF 2019 WITH
CIVIL APPLICATION NO.12669 of 2016 IN
WRIT PETITION NO. 9461 OF 2015**

**YOGESH GHEVARCHAND KOTHARI
VERSUS
VIJAY ASHOK DEORE AND OTHERS**

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Advocate for the Applicant : Shri P. N. Nagargoje h/f.
Shri D. B. Thoke

Advocate for the Applicant : Shri A. G. Talhar
(in CA No. 12669/2016)

Advocate for the Petitioner : Shri A. B. Kale (in W.P.)
AGP for Respondent- State : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 05th JULY, 2019.

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PER COURT :

1. In the Civil Application filed in 2016, an offer for the property to be auctioned was quoted at Rs. 65 Lakhs. The said applicant, therefore, desires to be added in these proceedings.

2. In the second Civil Application filed in 2019, the applicant is the successful highest bidder in the auction that took place on 12/01/2016 and has quoted Rs. 51 Lakhs. He has deposited Rs.5,00,760/- as earnest money deposit.

3. I have perused the order passed by this Court on 15/09/2015 in the Writ Petition. This Court has granted relief to the petitioner by ordering that the auction proceedings would proceed, though sale shall not be finalized. This ad-interim protection has been continued from time to time.

4. The learned Advocate for the petitioner submits that he has preferred his petition for challenging the auction proceedings and considering that the auction proceedings were conducted in view of the order of this Court, the applicants may have developed some interest.

5. In view of the above, both the Civil Applications are allowed. The applicant in Civil Application No.12669 of 2016 shall be arrayed as respondent No. 6 and the applicant in Civil Application No. 1117/2019 shall be arrayed as respondent No.

7. Addition be carried out forthwith. Notice in the petition be issued to both the parties. The learned Advocates waive service on behalf of the arrayed respondents and assure the Court that they would file their affidavits in reply with

pagination in continuation, on or before 02/08/2019.

Needless to state, the State shall also file an affidavit before the said date.

6. List the petition for admission hearing on 07/08/2019.

Ad interim relief, granted earlier, would continue.

(RAVINDRA V. GHUGE, J.)

shp/-