

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14726 OF 2019

VENKAT KESHAVRAO BIRAJDAR AND ANOTHER
VERSUS
SAVITA BALU @ BALSHEB BIRAJDAR AND OTHERS

...
Advocate for Petitioners : Shri Biradar Chandrakant D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 09, 2019

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PER COURT :-

1. The petitioner / judgment debtors have impugned the order dated 7.11.2019 passed by the executing Court in RD No.8 of 2011, by which, their application Exhibit 139 seeking a stay to the auction proceeding in respect of S. No. 303 has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioners and have perused the petition paper book with his assistance.

3. The auction notice dated 4.10.2019, issued by the Court, below Exhibit 135 was sought to be stayed. I called upon the learned Advocate for the petitioners, on not less than three occasions to inform the Court as to how much are the petitioners liable to pay, in

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so far as recovery of amount is concerned. Evasive answers were offered.

4. Considering the record available and the chequered legal history, I find that the executing Court has applied its mind to the entire facts and circumstances of the case while issuing the auction notice.

5. In view of the above, I do not find that the impugned orders could be branded as being perverse or erroneous. This petition, being devoid of merits is, therefore, dismissed.

6. At this juncture, the learned Advocate prays for leave to withdraw this petition.

7. As such, this petition is disposed off as withdrawn.

(RAVINDRA V. GHUGE, J.)

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