

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO. 53 OF 2019

Banduji s/o Vitthalrao Bhoyar

V/s

Homnath @ Anil s/o Vitthalrao Lambat and others.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri P.K. Mishra, counsel for the applicant.

Ms Bhavana K. Meshram, counsel for the respondent No.1.

Shri Anup B. Badar, counsel h/f Shri B.D. Patrikar, counsel for the
respondent Nos. 2 to 6 and 7.

Shri S.H. Sudame, counsel for the respondent Nos. 8 and 9.

CORAM: ARUN D. UPADHYE, J.

DATE: 15-07-2019.

Heard learned counsel for the parties.

Shri P.K. Mishra, learned counsel for the applicant has
submitted that he is ready to deposit remaining balance
amount within one week.

Perused the impugned order dated 13/05/2019. It
appears that application filed by the auction purchaser was
rejected by the Executing Court, as the case of the applicant
does not come within the purview of Bombay Amendment
under Order-XXI Rule 85 of the Civil Procedure Code.

It is submitted that the applicant is the highest bidder
and amount of Rs 60,51,000/- is the highest bid and that is
accepted by the Court. It is further submitted that, the

applicant has already deposited 1/4th of total auction sale amount before the Executing Court. It is therefore submitted that the applicant may be permitted to deposit balance amount within one week.

Learned counsel for the respondents have no objection, if the applicant is permitted to deposit remaining balance amount within one week.

In view of the above facts and circumstances of the case, I am of the view that the applicant could be permitted to deposit the remaining balance amount within one week from the date of this order.

The impugned order passed by the trial Court below Exhibit No.75 in F.D. No. 280/2007 is hereby quashed and set aside. The applicant is permitted to deposit the balance amount within one week before the Executing Court

The civil revision application is allowed in terms of prayer clause (iii) and disposed of accordingly. No order as to costs.

JUDGE