

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

40 WRIT PETITION NO.1227 OF 2020

Ramesh Sukdeo Nemade ...Petitioner

Versus

Suresh Prabhakar Patil and Others ...Respondents.

...
Mr. Atmaram J. Patil, Advocate for the Petitioner.
...

**CORAM : ROHIT B. DEO, J.
DATED : 21th JANUARY, 2020.**

PER COURT:-

1. In my considered view, this petition is clearly misconceived.

2. The petitioner is challenging the order below Exhibit-131 in Civil Miscellaneous Application 07 of 2012.

3. Exhibit-131 is an application preferred by the petitioner seeking cancellation of auction sale. According to the petitioner, the agriculture field gat no.1 owned by the petitioner is mistakenly auctioned. In so far as the substantive prayer that the auction sale be cancelled, by the order impugned, all that the Trial Court has said is that, since evidence is ongoing, the cancellation of the auction sale can be adjudicated one way or the other after conclusion of the

trial. The Trial Court has noted that vide order below Exhibit-155, the execution of the auction sale is stayed. Moreover, by the order impugned, the protective order below Exhibit-155 is specifically extended till decision of the execution application. In this view of the matter, there is no reason for the petitioner to apprehend that his possession shall be lost.

4. With these observations, the petition is disposed of.

5. At this stage, my attention is invited to the order dated 24.06.2019 in Writ Petition No.1661 of 2019.

6. Considering the nature of dispute and the stand of the petitioner that his property is sold in auction mistakenly, the learned Trial Judge is requested to decide the execution application, as expeditiously as possible and in any event on or before 31.03.2020.

(ROHIT B. DEO, J.)