

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.643 of 2019

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner had contended that the petitioner is challenging the orders passed in E.P.No. nil, dated 13.12.2018, basing on a decree passed in O.P.No.10 of 2004, dated 14.12.2010, wherein the respondents sought to put the property of the petitioner into auction and the said auction was scheduled to be held on 17.01.2019. Learned counsel further contended that this Court was pleased to grant interim directions on 10.01.2019 to the effect that the auction scheduled to be held on 17.01.2019 in respect of the subject property may go on, however, the same shall not be confirmed.

2. Learned counsel for the petitioner had submitted that the auction, which was scheduled to be held on 17.01.2019, was not conducted and in view of the same, no further orders are required to be passed in this writ petition. However, he seeks liberty to challenge the proceedings as and when issued by the respondents.

3. This Court, having considered the submissions made by the learned counsel for the petitioner, is of the considered view that the cause in the writ petition does not survive for adjudication, as the auction scheduled to be held on 17.01.2019 was not conducted.

4. Accordingly, the writ petition is closed. However, liberty is given to the petitioner to challenge the proceedings as and when issued by the respondents, in accordance with law. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th February 2020

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