

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

910 CIVIL APPLICATION NO.5832 OF 2023
IN WP/3062/2019

**OMPRAKASH BABUAPPA KHAKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Applicants : Mr. K.J. Suryawanshi
AGP for Respondents: Mr. S B Yawalkar
Advocate for Respondents : Mr. P S Dighe h/f V.R. Dhorde
Petitioner in WP

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 28, 2023

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PER COURT :-

1. Civil application is taken out by the applicants seeking stay to the auction sale notice dated 14.4.2023.
2. Learned counsel for the applicants submits that petitioner has located a buyer for the vehicles which are to be auctioned and the petitioner is willing to deposit the amount within one month.
3. This Court, in response to the submissions made, has called upon the applicants to show their bonafides by depositing 50% of the amount of taxes before this Court, to which the applicants are unable to respond positively.

aaa/-

4. Learned counsel for the applicants submits that the applicants are not in a position to deposit the amount. In view of above, the applicant lacks bonafide. The application stands dismissed.

5. Before parting, we would like to add that the applicants have not paid taxes for comparatively long time and has dragged the present litigation for years together. In this background, this court was prompted to call upon the RTO authorities to demonstrate the mode and manner in which the recovery of public money can be made from the applicants and accordingly auction notice was issued.

6. The earlier order in relation to auction sale of the vehicle was passed after hearing them. Act on the part of the applicants at every stage of the proceedings and stalling of the auction process has to be taken into consideration. As such, this Court is constrained to saddle costs of Rs.25,000/- (Rs. Twenty Five Thousand) on the applicants. Costs to be deposited within a period of two weeks.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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aaa/-