

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CONTEMPT PETITION NO.93 OF 2013
IN WP/63/2006 WITH CP/94/2013 IN WP/8184/2005 WITH
CP/109/2013 IN WP/3955/2010 WITH CA/3445/2015 IN CP/94/2013
WITH CA/3444/2015 IN CP/93/2013 WITH CA/3443/2015 IN
CP/109/2013 WITH CA/3847/2022 IN CP/93/2013 WITH
CA/8075/2023 IN CP/93/2013 WITH CA/2727/2021 IN CP/94/2013
WITH CA/2725/2021 IN CP/93/2013 WITH CA/13685/2022 IN
CP/93/2013 WITH CA/13770/2022 IN CP/93/2013 WITH
CA/13647/2021 IN CP/93/2013 WITH CA/13885/2021 IN
CP/93/2013 WITH CAST/20447/2023 IN CP/93/2013

KARBHARI LAXMAN KORBARNE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Adv. for Petitioners (in CP/93/2013 & CP/94/2013) : Mrs. Vaishali Shinde
Advocate for Petitioners (in CP/93/2013) : Mr. Vivek V. Tarde
Advocate for Petitioner (in CP/109/2013) : Mr. Amol R. Joshi
Advocate for Respondent No.9 (in CA/13685/2022):Mr.A. D. Ostwal
Advocate for Applicant (in CA/3847/2022) : Mr. Hemant U. Dhage.
GP for Respondent/State : Mr. D.R. Kale
Advocate for Applicant (in CA/13685/2022) : Mr. Kiran D. Jadhav.
Advocate for Applicant (in CA/13647/2021) : Mr. Ajeet B. Kale
Advocate for Applicant (in CA/13770/2022) : Mr. Rajendra Sudam Kasar

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 5th JULY, 2023.**

PER COURT :-

1. This is a motion for speaking to the minutes of the order dated 22nd June, 2023.
2. In para no.3 in first sentence replace the name of “Mr.Sudhir Dagaduram Tanpure” by “Vijaysingh Ashokrao Tanpure”.

3. In para no.3, second sentence be replaced as under :-

“Mr.Dhage, learned counsel representing Sudhir Dagaduram Tanpure submits that the land would fetch not less than Rs.2.50 crore.”
4. Para no.6 be replaced as under :-

“6. In view of the above, the auction sale dated 16th November, 2021 is hereby set aside. The intervenor namely, Sudhir Dagaduram Tanpure submits that he has a party to purchase the land and he would deposit, on behalf of that party, a sum of Rs.1.60 crores with this Court. The intervenor namely, Sudhir Dagaduram Tanpure shall deposit in this Court a sum of Rs.1.60 crores within a period of four weeks, without fail. If he deposits the amount with this Court, he is not required to deposit the earnest money and if he is found to be successful bidder, he shall deposit amount of the auction price (sale price minus Rs.1.60 crores). The Tahsildar shall put the land for re-sale. The sale shall be conducted in terms of the relevant provisions of the MLRC. The pecuniary interest of the earlier purchaser would be taken care of. ”
5. In para no.11, it be added as under :-

“In an auction sale, if the bid of earlier auction

purchaser is found to be highest and accepted, he shall deposit amount of the auction price (sale price minus sum of Rs.1,33,00,000/-). He need not deposit earnest amount.”

6. The para no.12 be replaced as under :-

“The amount, which is with the Tahsildar shall be paid to all the petitioners in equal proportion to the amount said to have been due to them as described in the list filed along with Civil Application No.8075 of 2023 (Exhibit `D` and Exhibit `E`), within three weeks from this modified order.”

7. Para No.13 be replaced as under :-

“The Tahsildar shall consider the Government valuation of the land with the market price thereof while fixing the upset price. Needless to mention that the upset price shall not be less than Rs.1.75 crore.”

8. Accordingly, the Civil Application No.8075 of 2023 and Civil Application (Stamp) No. 20447 of 2023 stand disposed of.

9. The motion stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)