

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.16928 of 2024

Swapnil Sarjerao Mane ... Petitioner
V/s.
Sadguru Gahininath Bank and others ... Respondents.

Mr.Chinmay Patil h/f. Mr.Abhijit Kulkarni	Advocate for the Petitioner
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CORAM : S.M. MODAK, J

DATE : 27 November 2024.

P.C. :

Heard learned Advocate for the Petitioner/prospective purchaser.

2. There was an execution filed for recovery of the amount. During execution the property of the judgment debtor is attached and put to auction. One Shriraj Deshmukh is a successful bidder and his bid was for Rs.51,00,000/-. Though the present petitioner has not participated in bid, subsequently on his own he had given offer of Rs.55,55,000/-and also tendered a cheque for Rs.15,00,000/-. Subsequently, he revealed that judgment debtor has sold the land to some other person and that is why he has moved an application on 9 March 2023 (Page-42) for cancelling the bid and for putting the property for re-auction. The executing Court as per the interim order has rejected his application and directed to credit that amount to the treasury which is challenged in this petition.

3. The grievance is his offer was not accepted by executing Court and if it is not accepted, he is entitled to withdraw his offer on the basis of facts subsequently disclosed. He relied upon the provisions of the Order 21 Rule 84 and 86 of CPC. The issue needs hearing whether the proper procedure was followed by the executing Court or not?

4. Hence, issue notice to Respondents, returnable in **22 January 2025**. Private notice is allowed. Service affidavit be filed.

5. Prayer clause (e) reads thus:

“(e) Pending the hearing and final disposal of the present Writ Petition, impugned order dated 27th June 2024 which is passed by the learned Civil Judge Senior Division, Malshiras below Exhibit 43,44 and 52 in Regular Darkhast No.17 of 2014 (Exhibit A), kindly be stayed.”

In the meantime, there shall be an ad-interim relief in terms of prayer clause (e) of the petition till next date. Parties to act on authenticated copy.

(S.M. MODAK, J.)