



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

**CIVIL APPLICATION NO. 5291 OF 2025
IN WRIT PETITION NO. 5357 OF 2025**

RAVI GANPATRAO MADREWAR AND OTHERS
VERSUS
BHIMASHANKAR NARAYAN GADEWAR AND OTHERS

Mr. Sachin Deshmukh h/f. Mr. R.S. Patil, Advocate for the applicants.
Mr. P.R. Katneshwarkar, Sr. Advocate i/b. Mr. A.A. Fulfagar, Advocate for
petitioners in WP.
Mr. S.B. Choudhari, Advocate for respondent-Bank.

CORAM : KISHORE C. SANT, J.
DATE : 05.05.2025

PC :-

01. This application is filed by persons, who claim to have interest in the property i.e. Gat bearing No. 81/1/5, whereas the petitioners' property is Gat bearing No. 81/1/1. Learned Advocate for the applicant submits that there are already orders passed by this Court. One order is passed in FA No. 715 of 2006, wherein the petitioners in the writ petition were respondent Nos. 1 and 2. This Court in the said First Appeal granted interim order restraining respondent No.3 therein i.e. Avinash Patil from creating third party interest in the suit property till the respondent files reply. The learned Advocate for the applicants makes statement that now First Appeal is admitted by continuing the interim relief. Second order he points out is the order passed by this Court in

Letters Patent Appeal, arising out of order passed by this Court in Writ Petition No. 3810 of 2010, whereby there is stay granted to the judgment impugned therein. Said litigation is arising out of mutation entries. Later on said writ petition was admitted, however, without interim relief. In the Letters Patent Appeal, this Court directed to maintain status-quo by its order dated 18.01.2016. There is yet another Writ Petition bearing W.P. No. 3119 of 2024 pending in this Court, in which, this Court has granted ad-interim stay to the order dated 31.01.2024 passed by the District Judge, Latur in MCA No. 14 of 2017. In the said appeal the Appellate Court has reversed the order of injunction granted by the Trial Court. He, thus, submits that in view of various proceedings, the petitioners cannot dispose off the land.

02. This application is vehemently opposed by the learned Sr. Advocate for the petitioners. He submits that the applicants are not party before the executing Court. The land is distinct. The applicants do not have interest in the property, which is sought to be auctioned by the bank in execution proceeding and opposes the application.

03. Heard the learned Advocates for the parties. It is also seen that the bank has raised concern about the orders which are discussed

above and has informed the executing court that because of these orders, the bank is not in a position to dispose off the land.

04. Considering all the above facts, this Court finds that the application deserves to be allowed. Hence, this Civil Application is allowed and is disposed off. The petitioners to add the present applicants as party to the Writ Petition within one week from today.

[KISHORE C. SANT, J.]