



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

WRIT PETITION NO. 3548 OF 2020

JITENDRA TARACHAND CHAVAN
VERSUS
STATE BANK OF HYDERABAD AND OTHERS

...
Mr. G.R. Syed, Advocate h/f Mr. Vishal A. Bagdiya, Advocate for the
Petitioner

Mr. Swapnil S. Rathi, Advocate for Respondent No.3

...

CORAM : MANJUSHA DESHPANDE, J.

DATE : 03rd MARCH, 2025

PER COURT :

1. Petitioner has challenged the order dated 05/08/2019, passed by learned Civil Judge, Senior Division, Hingoli, below Exhibit-201 in Regular Darkhast No.33/2004. Writ petition has been filed on 04/09/2019.

2. After issuing the notice on 13/07/2021, interim relief was granted in terms of prayer clause 'D', which reads thus:-

"D) Pending the hearing and final disposal of this Writ Petition the execution and further proceeding on the basis of the order dated 05/08/2019 below Exhibit-201 in Regular Darkhast No.33/2004 pending before the Civil Judge Sr. Division at Hingoli, be stayed,"

3. Learned advocate for respondent No.3 has filed reply affidavit contending that the impugned order is passed on 05/08/2019, which is executed on 20/08/2019 itself. The writ petition has been filed on 04/09/2019 and the same is circulated

after two years i.e. on 13/07/2021. On the first date of hearing itself order granting interim relief was passed ex-parte.

4. Respondent No.3 auction purchaser had filed application Exhibit-201 for issuance of possession warrant under Order 21, Rule 35 of the Code of Civil Procedure, which came to be allowed and the order of delivering possession of the suit property along with standing crop in it by preparing panchanama to respondent No.3 came to be passed on 05/08/2019. Respondent No.3 further applied for police protection for taking possession of the suit property and vide order dated 20/08/2019 police protection was granted to to him and also notice was issued to petitioner for execution of the order dated 05/08/2019. On 20/08/2019 under the police protection possession was handed over to respondent No.3 and panchanama to that effect has been prepared. Respondent No.3 has placed on record copy of the notice issued to petitioner along with panchanama dated 20/08/2019 and the Taba receipt.

5. In view of execution of impugned order on 20/08/2019, nothing survives in the writ petition. Therefore, the writ petition is disposed of as infructuous.

(MANJUSHA DESHPANDE, J.)