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

**APPEAL FROM ORDER NO.996 OF 2023
WITH
INTERIM APPLICATION NO.17822 OF 2023**

Bramhadeo B Pal
since deceased through LRs.

... Appellants

V/s.

Prabhakar Mishra & Anr.

... Respondents

Ms. Anusha P. Amin for the Appellants.
Ms. Shivani S Kunder for the Respondents.

CORAM : KAMAL KHATA, J.

DATED : 2ND FEBRUARY 2026.

P.C. :

1. At the request of both the Advocates, the matter is adjourned to 16th February 2026.
2. This Appeal challenges the impugned order dated 7th October 2023, whereby the application seeking to set aside the auction sale and the sale certificate came to be rejected.
3. Upon a prima facie perusal of the record, serious issues arise regarding the legality of the subject premises. It is noted that proceedings in respect of the said structure have concluded, and



the Respondent—an auction purchaser—seeks delivery of possession pursuant to confirmation of the auction sale and issuance of the sale certificate. The permissibility of such relief, in the backdrop of the alleged illegality of the structure, requires careful consideration.

4. Be that as it may, the parties are permitted to place on record such material as they deem appropriate in support of their respective contentions, including on the issue of the legality of the structure, on or before the next date.

(KAMAL KHATA, J.)