

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
EXECUTION APPLICATION NO. 210 OF 2011
IN
SUIT NO. 3782 OF 1989

Ram Tuljaram Shahani

..... Plaintiff

VERSUS

Bhagwan Tuljaram Shahani & Ors.

..... Defendants

Mr.Raj Patel, a/w. Mr.Amey Nabar, Mr.Sukhad Wagle, i/b. Haryani & CO. for Respondent Nos. 1, 2 and 6.

Mr.S.U.Kamdar, Senior Advocate, a/w. Mr.Karthik Somasundram, i/b. Krishna Murthy Law for Auction Purchaser.

Mr.Atul Damle, Mr.Rupesh Lanjekar for Defendant nos.5A to 5C.

Mr.A.Ketkar, Dy.Sheriff present in person.

Mr.Vijay Kokitkar for Defendant no.7.

CORAM : R.D. DHANUKA, J.

DATED : 12th FEBRUARY, 2014

P.C.

On perusal of the order dated 28th November, 2013 passed by this court, it is clear that the original title deeds in respect of the property which is auctioned is not available. The original share certificates issued by the society is in the name of three persons. Mr.Kamdar, learned senior counsel appearing on behalf of the auction purchaser submits that unless appropriate confirmation is issued by all the legal heirs of the deceased whose property is auctioned and clear title is conveyed in favour of auction purchaser, auction purchaser would not be able to pay the balance amount and would not be able to obtain any loan. In view of these facts,

the auction purchaser is allowed to withdraw his bid. Sheriff of Mumbai is directed to return the amount deposited by the auction purchaser of Rs.1,67,50,000/- to the auction purchaser within two weeks from today. Sheriff of Mumbai is directed to invite fresh bid after obtaining prior permission of the court.

[R.D. DHANUKA, J.]