

hvn

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

Raj Tuljaram Shahani ... Plaintiff

Versus

Bhagwan Tuljaram Shahani ... Defendant

Mr. Vijay Kokitkar for defendant no. 7.

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

(NO R & P)

CORAM : R.D.DHANUKA J.

DATED : JULY 02, 2014

P.C.

ORDER ON SHERIFF'S REPORT NO. 9 OF 2014:

Learned Deputy Sheriff of Mumbai submitted that all the parties are served with the copy of the report. It is submitted that Defendant Nos. 2, 3, 6 and 7 are served by the office of the Sheriff, Defendant nos. 5(a) to 5(c) are served by defendant no. 7 and Defendant no. 4 is served by email by defendant no. 7 as per order dated 3rd April, 2014 passed by this court.

2. By this report, the office of Sheriff of Mumbai seeks direction to invite fresh bid by publishing tender notice on the basis of the terms and

conditions of the auction conducted on 10th October, 2013 with the modified schedule of auction sale and also seeks direction to the Sheriff of Mumbai to call for fresh valuation report. In this matter, valuation report was obtained in the month of April, 2013. The auction which held was subject to confirmation of this court. The auction purchaser however, by an order of this court was allowed to withdraw his bid. Office of Sheriff has also returned the amount paid by the auction purchaser. Fresh bids are thus required to be invited for conducting auction sale of the property in question.

3. None appears for the parties except defendant no. 7. It is submitted by learned counsel appearing for defendant no. 7 that this court need not order for fresh valuation report as the earlier report was obtained in the month of April, 2013 and the property being sixty years old, no purpose would be served by inviting fresh valuation report. Submission of the learned counsel for defendant no. 7 is accepted. The office of the Sheriff of Mumbai is not required to obtain fresh valuation report. Report is made absolute in terms of prayer clause (a) and (b).

4. The auction sale could be conducted on the terms and conditions already notified earlier.

(R.D.DHANUKA, J.)