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(2011) 05 AHC CK 0081

Allahabad High Court

Case No: Civil Miscellaneous Writ Petition No. 21318 of 2011

Vinod Kumar Srivastava and Another		APPELLANT
	Vs	
State of U.P. and Others		RESPONDENT

Date of Decision: May 17, 2011

Citation: (2012) 5 AWC 4533 : (2011) 8 RCR(Civil) 260 : (2011) 114 RD 198

Hon'ble Judges: Satya Poot Mehrotra, J; Jayashree Tiwari, J

Bench: Division Bench

Judgement

Satya Poot Mehrotra and Mrs. Jayashree Tiwari, JJ.
The petitioners have filed the present writ petition impugning the proceedings being taken by the respondent Nos. 2 and 3 for auction of the mortgaged property of the petitioners.

2. On 29.4.2011, the following order was passed keeping in view the instructions received by Sri Rohit Agarwal, learned Counsel for the respondent Nos. 2 and 3.

3. Sri Rohit Agarwal, learned Counsel for the respondent Nos. 2 and 3 states that instructions have been received in the present case and as per the instructions, the amount due against the petitioners was Rs. 1,61,948/-. Shri Rohit Agarwal further stated that the auction of the property in question was made on 13.4.2011 in favour of Radhey shyam Gupta for an amount of Rs. 2,20,000/- Radhey shayam Gupta deposited 25% of the amount i.e. Rs. 55,000/- on 13.4.2011 and the balance 75% of the amount i.e. Rs. 1,65,000/- on 23.4.2011.

4. Sri Rohit Agrawal, learned Counsel for the letter dated 13.4.2011, sent by the respondent Nos. 2 and 3 to the petitioners, wherein, the petitioners have been given right to make deposit of the entire amount with interest within one month of the date of auction for getting the auction set aside.

5. In view of the submissions made by Sri Rohit Agrawal, learned Counsel for the respondent Nos. 2 and 3, on the basis of the instructions received by him, Sri R.S. Gupta learned Counsel for the petitioners prays that the case may be directed to be put up as fresh on 16.5.2011 so as to enable him to seek instructions in the matter.

6. The case is accordingly directed to be put up as fresh on 16.5.2011.

7. Pursuant to the said order dated 29.4.2011, the case is put-up today.

8. Sri Rohit Agarwal learned Counsel for the respondent Nos. 2 and 3, on the basis of instructions received by him, states that the petitioners have deposited the entire amount with interest on 11.5.2011, i.e., within one month of the date of auction, namely 13.4.2011, as such, the auction of the mortgaged property made in favour of Radhey shyam Gupta has been set aside.

9. In view of above, It is evident that no cause of action survives to the petitioners, and no further orders are required to be passed in the present writ petition.

10. The writ petition stands disposed of accordingly.