

Ex.104/2019

ORDER

On the basis of money decree in O.S.No.22/2014 the decree holders have filed the present execution petition to recover Rs.1,15,00,000/- along with interest and court costs from the respondent. The respondent did not come forward to pay the decretal amount or any part thereof. Therefore, this court by its order dated 25.11.2019 attached lands bearing Sy.No.48/1A measuring 1 acre 5 guntas and Sy.No.48/1B1 measuring 1 acre 38 guntas of Janukonda village and ordered to sell the same in a public auction. Vide order dated 19/02/2020 the spot sale was fixed on 20/03/2020 and court sale was fixed on 09/04/2020. The warrant was not executed. Once again the sale warrant were issued on 08/01/2021. This time also warrant was not executed. On 17/03/2021 for the third time the sale warrant was issued, this time also the warrant returned unexecuted with an endorsement no bidder came forward to purchase the properties. Under this

background the DHRs have filed an application U/o.21 Rule 72 r/w.Sec.151 of CPC seeking permission to participate in the bidding.

2. Though this court granted sufficient time the JDR has not filed objection to this application and no arguments were addressed.

3. I have heard advocate for DHR.

4. Though this court repeatedly issued sale warrants it could not possible to sell the properties attached in a public auction due to non availability of bidders. The DHR alleges that the JDR avoiding the bidders to participate in the bid. In the backdrop of afore mentioned facts and circumstances of the case, it may be just and necessary to allow the DHRs to participate in the sale process. Therefore, I proceed to pass the following:-

ORDER

Application is hereby allowed.

It is hereby permitted DHRs to participate in the spot sale and court sale so as to purchase the properties attached in the public auction.

Issue sale proclamation U/s.21
Rule 66 of CPC by fixing the date for spot
sale on 25/05/2022 and court sale on
09/06/2022. The proclamation of sale shall
be published at least in two daily
newspapers having sufficient circulation in
the locality.

Issue Sale warrant directing the
bailiff of the court to conduct spot sale.

Call on 26/05/2022.

C/c. I Addl. Senior Civil
Judge,
Chitradurga.