

**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC,  
NANJANGUD**

Present : Sri. Ganapathi Prashanth.M, B.A., LL.B.,  
Senior Civil Judge & JMFC, Nanjangud.

Dated : This the 12<sup>th</sup> day of February 2020

**Ex.No. 87/2018**

**DHR/s** : Karyaswamy

**-V/s-**

**JDR/s** : S.M. Nagesha

**ORDERS REGARDING FIXING OF BASE PRICE FOR  
THE PROPOSED AUCTION IN RESPECT OF THE  
PROPERTY ATTACHED.**

The decree schedule property is attached by this court vide orders dated 25.11.2019. The same was done to enable the decree holder to proceed against the property for the recovery of the decretal sum. Subsequently, the decree holder has prayed to sell the property by the public auction and the notice of the said application is served on the judgment debtor. In spite of it, the judgment debtor has not complied the decree. Hence, it now requires that

the base price is fixed, to proceed further in the matter of the proposed public auction, in respect of the attached property.

2. The current guidance value in respect of the suit property requires to be considered in this regard. The petitioner/DHr also filed affidavit regarding the value of the suit property. The same is not controverted by the judgment debtor, in spite of actively participating in the execution proceedings.

3. From the encumbrance certificate in respect of the suit property it was found that the suit property is mortgaged in favour of Corporation Bank, Hullahli Branch. Hence, the amount due to the said bank is called for. The Manager of the said bank submitted a letter to the court on 18.02.2020 that total due to the bank in respect of the said property is Rs.28,64,310.38. The same requires to be noted while considering the release of auction price, either in favour of the decree holder or in favour of the judgment debtor, as the case may be.

4. The property attached is Sy No.261 measuring 4 acres 28 guntas, situated at Hullahally village, Nanjangud Taluk. The guidance value in respect of Hullahally village discloses that the dry land is worth Rs.4.8 lakhs per acre, wet land is worth Rs.3.8 lakhs per acre and garden land is worth Rs.7.76 lakhs per acre (Sl.No.371). The wet land at Hullalli Nala is worth Rs.4.78 lakhs per acre (Sl.No.342). The land attached is wet land. However, to morefully confirm that its value does not become less, the value of dry land at Rs.4.8 Lakhs per acre is chosen as base price. Thus one gunta is worth Rs.12,000/-. Therefore, 28 guntas is worth Rs.3,36,000/-. Thus, 4 acres is worth Rs.19,20,000/-. The attached land is measuring 4 acres 28 guntas. Thus, the total extent of attached land is worth Rs.22,56,000/-. However, the already existing liability in favour of bank is Rs.28,64,310.38 which is far more than the market value of the attached property. Therefore, if the decree holder wants to bid in the auction towards part satisfaction of the decree amount, he may

apply in that behalf. However, the base price requires to be fixed subject to the rider, by noting the liability existing on the said property. Hence, the following :

**ORDER**

It is held that the base price for the auction of the attached property is fixed at Rs.22,56,000/-.

It is further clarified that there is already existing liability on the said property at Rs.28,64,310.38.

*(Dictated to the Stenographer, transcribed by her, corrected, initialed and then pronounced by me in open Court on this the 12<sup>th</sup> day of February 2020).*

**(Ganapathi Prashanth.M)**  
Senior Civil Judge & JMFC,  
Nanjangud.

**Orders pronounced in the open  
court, vide separate orders**

**ORDER**

It is held that the base price for the auction of the attached property is fixed at Rs.22,56,000/-.

It is further clarified that there is already existing liability on the said property at Rs.28,64,310.38.

For further steps.

Call on by

Senior Civil Judge & JMFC,  
Nanjangud.