

JDR No. 1 and 2 filed application U/o 17 R 1 CPC seeking adjournment, contending that WP 14294/2022 filed by objector is pending before the Hon'ble High Court of Karnataka.

Counsel for auction purchaser orally object the application.

Heard. Perused records.

The order sheet disclose that objector has complied the order dated: 21-12-2023 passed in said WP. As the objector has not complied the said order in WP, the auction purchaser is at liberty to proceed with the execution proceedings.

Accordingly, the application filed by JDR's seeking adjournment is hereby rejected.

Heard counsel for both parties on IA No. 10.
Perused records.

Admittedly, the property is sold in public auction on 19-04-2021. There after the auction purchaser deposited the entire bid amount before this court and sale deed is executed in favour of auction purchaser.

When the matter was stood for delivery of property in favour of the auction purchaser, the objector obtained stay of further proceedings of this case in WP 14294/2022.

As per order dated: 21-12-2023 the objector ought to have paid Rs. 3,50,000/- to the auction purchaser on or before 6-01-2024 and make further payment as detailed in the said order.

However, the objector failed to make payment as per order of the Hon'ble High Court of Karnataka in said WP. The objector who was present before this court on 6-01-2024 has submitted that she is not ready to deposit the amount as per order in said WP.

However, this court adjourned the matter to 8-01-2024 for further steps; and from 08-01-2024 the matter is adjourned to 16-01-2024, at the request of counsel for JDR's; and again from 16-01-2024 the matter is adjourned to today at the request of JDR's.

Even today neither the JDR's nor the objectors are ready to pay / deposit the amount. There is no any stay of this proceedings, this case is one of the oldest case on the board of this court. This court cannot adjourn the case to further date expecting the objector to obtain further orders in said WP.

Hence, this application IA -10 filed by auction purchaser is hereby allowed.

Accordingly issue delivery warrant, if PF paid.
Call on: 15-02-2024

22/01/2024

Prl.Sr.Civil Judge and JMFC.,
Bhadravathi.