

:ORDER ON I.A.No.XV:

The applicant has filed I.A.No.XV under Sec.151 of CPC for release of auction bid amount of Rs.1,15,000/- which was deposited by him before the court in the ends of justice.

2. The applicant/bidder has sworn to an affidavit in support of this I.A. and contended that he had participated in the public auction conducted by this court in respect of petition schedule item No.2 property with other 40 members and accordingly he has deposited an amount of Rs.1,15,000/-. After depositing the amount petitioners and respondents have filed objections to the said auction. The petitioners have approached the hon'ble High Court of Karnataka and the matter is still pending. Now the said deposited amount is very much required for construction of shops. Hence, prays to release auction bid amount of Rs.1,15,000/- in the interest of justice and equity.

3. Petitioners and respondents have submitted no objection to this I.A.

4. Heard, perused records. On its perusal it goes to show that this court has passed an order for public auction accordingly bidder has participated in the auction and paid an amount of Rs.1,15,000/- agreeing to purchase suit item No.2 and therefore both the petitioners and respondents have filed objection challenging public auction and in this regard matter is pending before hon'ble High Court of Karnataka. Now the

parties have agreed to conduct auction in between the parties before the open court. Since the said auction itself is challenged by the parties and all the parties are also agreed for auction between themselves, the amount deposited by the bidder/applicant shall have to be released in his favour. Moreover both the parties have submitted no objection for allowing this I.A. Accordingly I.A. No.XV deserves to be allowed. Hence, I proceed to pass the following:

ORDER

I.A.No.XV filed by the applicant/bidder under Sec.151 of CPC is hereby allowed.

Office is hereby directed to release the bid amount of Rs.1,15,000/- deposited in this court on 09.12.2021.

For steps, call on -22.01.2024.

**Sd/-
Prl. Senior Civil Judge & JMFC.,
Madhugiri.**