HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101321 OF 2026 (GM-CPC)

BETWEEN:

GEETA SHANKAR NAIK
(SINCE DECEASED BY LRS)

1. SHANKAR S/O. MAHADEV NAIK,
   AGE. 56 YEARS, OCC. AGRICULTURE,
   R/O. CHIPAGI, TQ. SIRSI,
   DIST. UTTAR KANNADA-581402.

2. HEMANT S/O. SHANKAR NAIK,
   AGE. 26 YEARS, OCC. PRIVATE WORK,
   R/O. CHIPAGI, TQ. SIRSI,
   DIST. UTTAR KANNADA-581402.

3. LOHIT S/O. SHANKAR NAIK,
   AGE. 25 YEARS, OCC. STUDENT,
   R/O. CHIPAGI, TQ. SIRSI,
   DIST. UTTAR KANNADA-581402.

...PETITIONERS

Digitally signed by VIJAYALAKSHMI M KANKUPPI
Location: HIGH COURT OF KARNATAKA

(BY SRI. VENKATESH M.KHARVI, ADVOCATE)

AND:

1. VINAYAKA FINANCE CORPORATION, SIDDAPUR
   R/BY MANAGING PARTNER
   SHRI ANANDA IRA NAIK
   R/BY ITS GPA HOLDER,
   SHRI. SHRIDHAR MAHABALESHWAR HEGDE,
   OCC. MANAGER, R/O. BILAGI,

SHRI VINAYAK FINANCE CORPORATION ®
SIDDAPUR, TQ. SIDDAPUR,
DIST. UTTAR KANNADA-581420.

2. SHRI NARAYAN MURKUNDI NAIK,
AGE. 86 YEARS, OCC. NIL,
R/O. SHIVANAI, SIRSI TOWN,
SIRSI, DIST. UTTAR KANNADA-581402.

3. SHRI. SHRIPATI S/O. NARAYAN MADIWAL,
AGE. 43 YEARS, OCC. BUSINESS,
R/O. KADAKERI, POST. TYARSI,
TQ. SIDDAPUR, DIST. UTTAR KANNADA-581402.

…RESPONDENTS

(BY SRI. SOURABH HEGDE, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE AN ORDER OR DIRECTION OR WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 09/02/2026 PASSED BY THE SENIOR CIVIL JUDGE AND PRL. JMFC SIRSI (ITINERARY COURT AT SIDDAPURA) IN EX. NO.11/2016 ON I.A NO.V VIDE ANNEXURE-T IN THE INTEREST OF JUSTICE AND EQUITY. B) ISSUE SUCH OTHER SUITABLE WRIT OR ORDER OR DIRECTIONS AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE PRESENT CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 19.02.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

Aggrieved by the order passed in Ex.No.11/2016 dated 09.02.2026 by the Senior Civil Judge and Principal JMFC, Sirsi (itinerary Court at Siddapura), the petitioners/Judgment Debtor Nos.2(A) to (C) are before this Court.

2. The JDr No.1 has taken loan from the respondent No.1 on 21.07.2008 and JDr Nos.2 and 3 stood as guarantor to the finance corporation. On 03.08.2017, JDR.No.2 had purchased the property bearing Sy.No.226*/2C measuring 2 Guntas situated at Sirsi Taluk, Sirsi District, Uttar Kannada. When the borrower has failed to pay the money, suit was filed and the suit came to be decreed on 28.11.2012 and awarded an amount of Rs.14,65,331/-. The decree holder had filed execution petition claiming an amount of Rs.27,19,958/-. The sale proclamation was issued by the Execution Court and the spot sale was conducted. The bailiff had filed a report in respect of the sale.

3. It is stated that in the auction proceedings, three bidders had participated and one Girish Ramakrishna Hegde was the highest bidder for an amount of Rs.15,00,000/-. On 17.09.2022, the bailiff had filed report in respect of the auction

and the property details. The bailiff had visited the spot and made Panchanama in respect of the auction property on 05.01.2023. On 13.01.2023, the trial Court had issued notice to JDR No.2 in respect of the auction sale and bailiff had filed report stating that they have made Panchanama. On 16.01.2023, the bailiff had filed report in respect of the spot sale stating that there is no road to approach the property. The decree holder had filed application for appointment of Court commissioner to issue sale certificate. The decree holder had filed application to bring the legal representatives of JDR No.2 on record and that application came to be dismissed.

4. While that being so, JDR No.2 had filed I.A.No.5 under Order 21 Rule 90 of CPC to set aside the auction sale. In the affidavit that is filed in support of the same, it is stated that the decree holder had provided false and incorrect information to the Court and illegally and fraudulently caused the property belonging to JDR No.2 to be auctioned by the Court. They came to know about this only after receiving notice in the case. According to them, the property was purchased on 03.08.2017 for a sum of Rs.25,00,000/- and while purchasing the property,

loan of Rs.20,00,000/- was obtained by mortgaging the property. They have also taken another loan of Rs.20,00,000/-. The decree holder has misled the Court by submitting an RTC dated 15.09.2017 and placed the said property for auction. Initially, auction was conducted on 12.09.2022 and at that time, the auction was not finalized. On 12.09.2022, Girish Ramakrishna Hegde did not deposit any money in the Court. It is stated that Girish Ramakrishna Hegde bid for Rs.15,00,000/- in the said auction and the said auction is void. Subsequently, another auction was conducted on 16.01.2023 and the previous bidder has bid for an amount of Rs.12,50,000/-. Even on that day also, he did not deposit any money in the Court.

5. It is stated that the decree holder has never recorded its encumbrance on the auctioned property and the Court has not attached the property. According to them, the current market value of the property is Rs.60 lakhs. It is stated that JDR No.2 has been suffering from cancer since 2011 and she was unable to attend the Court proceedings. It is stated that JDR No.2 passed away on 21.07.2023. Subsequently, the execution petition was dismissed on 08.01.2024. It is stated that by taking

advantage of the illness of JDR No.2, without producing necessary documents to the Court and by misusing an old RTC, the auction was conducted and the property was sold by bidding at a price lower than the purchase price and this is a fraud played on the Court.

6. No objections were filed by the respondents.

7. The trial Court by order impugned had dismissed the I.A.No.5. While dismissing the application, the trial Court had observed that the claim applicant/judgment debtor had stated that for purchasing the application property, loan of Rs.20,00,000/- was taken from Bairumbe Service Co-operative society and purchased for Rs.25,00,000/- and the said property was mortgaged. The decree holder concealed these facts, gave old documents to the Court and illegally sold the suit properties to one Girish Ramakrishna Hegde through auction at a lower price. The trial Court observed that already, claim applications related to interim application Nos.6 and 7 have been dismissed and it is found that the heirs of JDR No.2 had complete information about the auction process. At that time, the heirs of JDR No.2 did not file an application in Court or appear to file

objections stating that the decree holder was conducting the auction process using old documents or regarding the value of the property. The trial Court had observed that the case is pending since 2016, asserting now that the auction process is illegal without taking any action until the completion of the process in 2025 is not legally sustainable and accordingly dismissed the application.

8. Learned counsel appearing for the petitioners submits that he is ready to pay the entire outstanding amount. It is the case that a fraud has been played by respondent No.1 on the Court and when the application is filed by the petitioner under Order 21 Rule 90 of CPC, the trial Court ought to have considered the same. It is submitted that the JDR was suffering with cancer since 2011 and she passed away on 21.07.2023. It is submitted that the trial Court ought to have considered all these issues.

9. Learned counsel appearing for the respondents submits that the trial Court had rightly dismissed the application. It is submitted that in the year 2016, execution proceedings were initiated by the respondents and proclamation was issued on

10.07.2022 and auction sale was conducted on 12.09.2022 and JDR No.2 died on 21.07.2023. Learned counsel submits that the legal heirs of JDR No.2 cannot raise all these grounds before this Court. The trial Court had rightly observed that the judgment debtor had failed to take steps until the completion of process in 2025 and the same is not legally sustainable. He had relied on an order passed in ***WP.No.3429/2018 dated 13.02.2024*** in case of ***Sri. Sadashivayya Vs. Smt. Pavithra P Prabhu and Another***, in which paragraph Nos.16 and 17 reads as follows:

> ***"16. Learned counsel for respondent No.2 places reliance on the decision in Jagan Singh (supra), where the Hon'ble Apex Court considered the fact which is similar to the present case and held in paragraphs 35, 36, 38 and 39 as under:***
>
> > ***" 35. The Executing Court and the First Appellant Court duly supported the reasoning based on various failures of the Judgment Debtor : (a) did not file objections at the time of presentation of execution petition; (b) did not file any objections at the time of order of attachment; (c) no objections filed when proclamation under Order XXI Rule 66 of the said Code was made; (d) no objections filed even at the time of public auction being actually conducted.***
> >
> > ***36. Learned senior counsel for the Appellant rightly drew the attention of this Court to Order XXI Rule 90(3) of the said Code to contend that it is clearly stated that no application to set aside a sale on grounds of irregularity or fraud under the Rule can be entertained on any ground which the applicant would have taken on or before the date on which the proclamation of sale was drawn up. The Explanation to the Rule further says that mere absence of or defect in attachment of the property***

sold should not by itself be a ground for setting aside the sale under this Rule. The Judgment Debtor/Respondent Trust failed to avail any of these opportunities at different stages.

38. The mandatory nature of the twin conditions to be satisfied before an auction sale can be set aside as provided under Order XXI Rule 90(3) of the said Code which has been discussed by this Court in various judicial pronouncements. We may refer to two of them as under:

i. In Saheb Khan5 case, it was observed that satisfaction of only one of the two conditions was not sufficient. It was also observed that a charge of fraud or material irregularity must be specifically made with sufficient particulars and bald allegations would not do.

ii. In Chilamkurti Bala Subrahmanyam v. Samanthapudi Vijaya Lakshmi6 , the aforesaid judgment was referred to with approval.

39. We must note in the end that Order XXI of the said Code is exhaustive and in the nature of a complete Code as to how the execution proceedings should take place. This is the second stage after the success of the party in the civil proceedings. It is often said in our country that another legal battle, more prolonged, starts in execution proceedings defeating the right of the party which has succeeded in establishing its claim in civil proceedings. This is exactly what has happened in the present case. The various stages of Order XXI of the said Code when violated cannot given right to some extra indulgence merely because the Respondent Trust is an Improvement Trust. There cannot be a licence to prolong the litigation ad infinitum."

17. Order 21 Rule 90 (3) of CPC makes it clear that no such application under the Rule could be entertained when the applicant could have taken such defence on or before the date on which the proclamation of sale was drawn. Admittedly, in the present case, the petitioner being the judgment debtor had not bothered to raise any such objections in the execution case. Much water has already flown under the bridge and at this stage the petitioner cannot be permitted to contend that auctioning the entire land measuring 7 cents will prejudice his right, that too with out any supporting

materials. Therefore, I do not find any reason to entertain the petition."

10. Relying on this, learned counsel submits that the judgment debtor cannot file application under Order 21 Rule 90 of CPC when the applicant could have taken such defense on or before the day on which the proclamation of sale was drawn. He had also relied on the judgment of the Hon'ble Apex Court in case of ***G.R. Selvaraj (Dead), through LRs. Vs. K.J. Prakash Kumar and Others***[1]. He had relied on paragraph Nos.15 to 17 which reads as follows:

> ***"15. On facts, this Court found that the due procedure had not been followed as the appellant was not given any notice and an occasion for him to offer his valuation did not arise. It was observed that before depriving a judgment debtor of the remedy under Order XXI Rule 90 CPC, it must be seen whether he had notice from the executing Court and still acquiesced, by taking no action before the date of sale, and if so, he would then be precluded from assailing its legality or correctness thereafter. Some of the observations made by this Court, which are of relevance presently, are extracted hereunder:***
>
> > ***'14. ..... The Code, therefore, has taken special care charging the duty on the Executing Court and it has a salutary duty and a legislative mandate to apply its mind before settling the terms of proclamation and satisfy that if part of such property as seems necessary to satisfy the decree should be sold if the sale proceeds or portion thereof is sufficient for payment to the decree-holder or the person entitled under the decree to receive the amount and so much of that property alone should be ordered to be sold in execution. In Ambati Narasayya v. M. Subba***

[1] 2025 SCC OnLine SC 2537

Rao [1989 Supp (2) SCC 693 : AIR 1990 SC 119] this Court held that it is the duty cast upon the court under Order 21 Rule 64 to sell only such property or a portion thereof as may be necessary to satisfy the decree. It is a mandate of the legislature which cannot be ignored. ……In Takkaseela Pedda Subba Reddi v. Pujari Padmavathamma [(1977) 3 SCC 337 : (1977) 3 SCR 692] to recover the decree debt in two decrees, the properties situated in two different villages were brought to sale. In the first instance the property in 'D' village fetched a sum of Rs. 16,880, which was sufficient to satisfy the decretal amount. The property in 'G' village was also sold which fetched a sum of Rs. 12,000. This Court set aside the sale of 'G' village. Admittedly the site in sale is to the extent of 550 sq. yards, situated in a commercial area around which the petroleum installations are established. Though, as contended by Shri Madhava Reddy, that there may be building regulation for division of the property into portions, but the court made no attempt to sell a portion of the property, maybe 100 yards or 150 yards out of it, or whether undivided portion thereof would have satisfied the decree debt. It could be legitimately concluded that the court did not apply its mind at all to this aspect as well.

15. To get over the difficulty, Shri Madhava Reddy has fallen back on Order 21 Rule 90(3) of the Code, which provides that "no application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date of which the proclamation of sale was drawn up". Undoubtedly, this special rule was brought on statute by 1976 Amendment Act. It is like a "caveat emptor" that the judgment-debtor be vigilant and watchful to vindicate pre-sale illegalities or material irregularities. He should not stand by to procrastinate the execution proceedings. If he so does, Rule 90(3) forewarns him that he pays penalty for obduracy and contumacy. Equally it is a reminder that the court should be strict to comply with the procedural part under Rule 54(1-A) before depriving the judgment-debtor of the remedy under Order 21 Rule 90 CPC. If he had notice from court and acquiesced by taking no action before the date of sale, he would be precluded to assail its legality or correctness thereafter.'

(Emphasis is ours)

At the cost of repetition, we must lay stress on this Court's specific observation that, had it been a case where he had notice and acquiesced by taking no action before the date of the sale, the judgment debtor would be precluded from assailing its validity or correctness thereafter.

16. We may also note the recent decision of this Court in Bhikchand S/o Dhondiram Mutha (Deceased) through LRs v. Shamabai Dhanraj Gugale (Deceased) through LRs[5] in the context of an execution sale. In that case, the sale was held on 09.08.1985 and the decree holders, respondent Nos. 1 and 2 therein, themselves purchased the attached property. The question arose as to why properties valued at over Rs. 1,05,700/- had to be sold to satisfy a decree for Rs. 27,694/-. Taking note of Order XXI Rule 66(2) CPC and the law laid down in Ambati Narasayya (supra) and Takkaseela Pedda Subba Reddi (supra), this Court held that the executing Court's power to auction any property or part thereof also enjoins an obligation on that Court to examine the issue as to whether the sale of part of the property would have been sufficient to satisfy the decree. However, this case did not involve the application of Order XXI Rule 90(3) CPC, which postulates a bar against setting aside of the sale at the behest of a judgment debtor, if he failed to raise an available ground to invalidate it at the appropriate stage.

17. Given the insertion of Order XXI Rule 90(3) in the statute book with effect from 01.02.1977, it would be incumbent upon a judgment debtor or any other interested person who applies for setting aside an execution sale, held thereafter, to satisfy the executing Court that the ground upon which the application was made could not have been taken on or before the date on which the proclamation of sale was drawn up. In effect, if such a ground could have been taken by that applicant who seeks setting aside of the sale but he failed to do so at the appropriate stage, he would stand barred, by Order XXI Rule 90(3) CPC, from doing so at a subsequent stage. It is in this context that the aforementioned observations made by this Court in Desh Bandhu Gupta (supra) gain significance as that was a case involving an execution sale held after the insertion of Order XXI Rule 90(3) CPC and this Court made it clear that, even in the context of a material irregularity under Order XXI Rule 66(2)(a) CPC, if the judgment debtor had been put on notice by the executing Court but had

> ***acquiesced, by taking no action before the date of the sale, he would be precluded from assailing its legality or correctness thereafter. In a given case, where a judgment debtor is not given notice prior to the sale, as was the situation in Desh Bandhu Gupta (supra), Order XXI Rule 90(3) CPC obviously cannot posit a bar to his raising a ground thereafter."***

11. He had also relied on the judgment of the Hon'ble Apex Court in case of ***Aarifaben Yunusbhai Patel and Others Vs. Mukul Thakorebhai Amin and Others***[2] in paragraph Nos.8 to 12 which reads as follows:

> ***"8. Order XXI Rule 90 CPC reads as follows:***
>
> ***"90. Application to set aside sale on ground of irregularity or fraud.—***
>
> ***(1) Where any immovable property has been sold in execution of a decree, the decree-holder, or the purchaser, or any other person entitled to share in a rateable distribution of assets, or whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conducting it.***
>
> ***(2) No sale shall be set aside on the ground of irregularity or fraud in publishing or conducting it unless, upon the facts proved, the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.***
>
> ***(3) No application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up."***
>
> ***9. The limitation for filing an application to set aside a sale in execution of decree is 60 days in terms of Article 127 of the Third Division, Part 1 of the Limitation Act, 1963 (for short "the Act"). Reference may also be made to Section 5 of the Act, which reads as follows:***
>
> ***"5. Extension of prescribed period in certain cases.— Any appeal or any application, other than an***

[2] 2020 5 SCC 449

application under any of the provisions of Order 21 of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section."

A bare reading of this provision clearly shows that Section 5 of the Act which deals with extension of time or condonation of delay is not applicable to proceedings under Order 21 Rule 90 CPC. Therefore, the delay, if any, cannot be condoned under Section 5 of the Act.

10. That takes us to Section 14 of the Act, which reads as follows:

"14. Exclusion of time of proceeding bona fide in court without jurisdiction.—(1) In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(3) Notwithstanding anything contained in Rule 2 of Order 23 of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under Rule 1 of that Order, where such permission is granted on the ground that the first suit must fail by reason of a defect in the jurisdiction of the court or other cause of a like nature.

Explanation.—For the purposes of this section,—

(a) in excluding the time during which a former civil proceeding was pending, the day on which that proceeding was instituted and the day on which it ended shall both be counted;

(b) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding;

(c) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction."

In terms of this section, the time spent by the applicant for prosecuting with due diligence other civil proceedings may be excluded if such proceedings are prosecuted in good faith in a court which, from defect of jurisdiction or other cause, is unable to entertain it.

11. As far as the present case is concerned, it is not even disputed by R-1 that it had knowledge about the sales on 18-12-2007 when the counsel appearing for R-3, had sought permission to file the objection application under Order 21 Rule 90 CPC. The writ petition was filed on 26-12-2007. On 21-4-2008 [Mukul Thakorebhai Amin v. Aarifaben Yunusbhai Patel, 2008 SCC OnLine SC 45] , R-1 withdrew the SLP before this Court on the ground that an application has been filed by R-2 before the executing court on 18-3-2008. The writ petition itself was dismissed on 17-7-2008 [Mukul Thakorebhai Amin v. Shree Mahalaxmi Mercantile Coop. Bank Ltd., 2008 SCC OnLine Guj 649] . On behalf of R-1, it is urged that since the writ petition was disposed of on 17-7-2008 [Mukul Thakorebhai Amin v. Shree Mahalaxmi Mercantile Coop. Bank Ltd., 2008 SCC OnLine Guj 649] and the objection to the execution petition was filed on 20-6-2008, the same is within limitation.

12. We are unable to accept this proposition. Any person claiming benefit of Section 14 of the Act can only claim exclusion of time of that period for which it had been prosecuting another remedy with due diligence and in good faith. We are prima facie of the view that it cannot be said that the writ petition was filed in good faith or by due diligence because on 18-12-2007 the counsel for R-3 had made a statement that he would file objections to the execution petition. However, assuming that these proceedings were filed in good faith, after a statement was made before this court on 21-4-2008, R-1 should have immediately filed the application before the executing court. The continuance of the proceedings

before the High Court can neither be said to have been done in good faith nor in exercise of due diligence.

12. Relying on these judgments, learned counsel for the respondents submits that a sale proclamation which was of the year 10.07.2022 was not questioned during the life time of JDR No.2 and now it is not open to the legal representatives of JDR No.2 to raise this issue in the light of Order 21 Rule 90 of CPC.

13. Having heard the learned counsels on either side, perused the material on record. The undisputed facts of the case are that the execution proceedings are initiated on 03.06.2016 and the proclamation was issued on 10.07.2022 and on 12.09.2022, auction sale was conducted. The JDR No.2 died on 21.07.2023. The grounds that are raised before this Court with regard to the value of the property and further, not producing the necessary documents of the property to the Court and by misusing old RTC, the property was sold to the auction purchaser and this Court cannot entertain all these grounds. In this manner, if the applications have to be considered, there will not be any end to the litigation. At this juncture, it is appropriate to look at Order 21 Rule 90 of CPC which reads as follows:

> ***"90. Application to set aside sale on ground of irregularity or fraud.—***
> ***(1) Where any immovable property has been sold in execution of a decree, the decree-holder, or the purchaser, or any other person entitled to share in a rateable distribution of assets, or whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conducting it.***
> ***(2) No sale shall be set aside on the ground of irregularity or fraud in publishing or conducting it unless, upon the facts proved, the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.***
> ***(3) No application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up."***

14. Order 21 Rule 90(3) of CPC clearly stipulates that no application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up. The explanation to the Rule further states that mere absence of, or defect in, attachment of the property sold shall not, by itself, be a ground for setting aside a sale. The judgment debtor was very much alive as on 10.07.2022 and she died on 21.07.2023. The judgment debtor has not taken any of these grounds during her life time. After several years when the execution proceedings are initiated in the year 2016 and proclamation is in the year 2022, now it is not open to the legal representatives to raise

these pleas on any of these grounds and they cannot be permitted to contend that the sale has to be set aside. In these circumstances, this Court do not find any reasons to interfere with the order impugned. Hence, this Court is passing the following:

ORDER

i. Accordingly, the writ petition is ***dismissed***.

ii. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 Sl No.: 7