



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO.11856 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. DARSHAN MANAR
S/O. LATE N.N. DAYANANDA
AGED ABOUT 38 YEARS
RESIDING AT KUDIDELE ESTATE
RAYARAKOPPALU POST
K. HOSAKOTE HOBLI
ALUR TALUK
HASSAN DISTRICT-573129.

...PETITIONER

(BY SRI. YATHISHA K.J., ADVOCATE)

AND:

1. SRI. A.G. HOOVER
S/O LATE NN HOOVER
AGED ABOUT 74 YEARS
RESIDING AT NO.08
1ST MAIN ROAD
LAZER LAYOUT
BENGALURU-560005.
2. SMT. MANJULA DEVI
W/O LATE N.N. DAYANANDA
AGED ABOUT 66 YEARS
R/AT KUDIDELE ESTATE
RAYARAKOPPALU POST
K. HOSAKOTE HOBLI
ALUR TALUK
HASSAN DISTRICT-573129.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



3. MR. N.D. MADHUMITHRA
S/O LATE N.N. DAYANANDA
AGED ABOUT 44 YEARS
R/AT KUDIDELE ESTATE
RAYARAKOPPALU POST
K. HOSAKOTE HOBLI
ALUR TALUK
HASSAN DISTRICT.

...RESPONDENTS

(BY SRI. B.N. JAYADEVA, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 08.12.2025 AND 28.02.2026 AND THE SUBSEQUENT SALE PROCLAMATION PASSED BY THE HON'BLE PRL. SENIOR CIVIL JUDGE AND CJM AT HASSAN IN EX. NO.202/2018 (ARISING OUT OF OS NO.45/2009) TO THE EXTENT IT DIRECTS THE SALE OF THE ENTIRE PETITION SCHEDULE PROPERTIES AS PER ANNEXURE-A AND DIRECT THE TRIAL COURT TO RESTRICT THE SALE PROCLAMATION AND CONDUCT THE AUCTION SALE OF THE IMMOVABLE PROPERTIES ONLY FOR THE PORTION OF THE PROPERTY WHICH IS SUFFICIENT TO SATISFY THE REMAINING BALANCE OF THE DECRETAL AMOUNT CORRESPONDING TO THE PETITIONERS SHARE IN STRICT COMPLIANCE WITH ORDER 21 RULE 64 OF CPC AND ETC.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-Judgment Debtor No.1(A) has called in question the orders dated 08.12.2025 and 28.02.2026, and the subsequent sale



proclamation passed on I.A.Nos.29 and 30 by the Principal Senior Civil Judge and CJM, Hassan (hereinafter referred to as 'Executing Court for short), in Ex.No.202/2018 (arising out of O.S.No.45/2009), whereby the Executing Court has issued a sale proclamation in respect of the properties mentioned in I.A.Nos.29 and 30, which were attached by order of the Court.

2. Learned counsel appearing for the petitioner has contended that, instead of issuing a sale proclamation only in respect of part of the property as would be sufficient to realize the decretal amount, the Executing Court has issued the sale proclamation in respect of the entire extent of the properties measuring 19 acres 10 guntas in Sy.Nos.15, 76, 16, 12/4 and 77.

3. Learned counsel for respondent No.1-Decree Holder submits that I.A.No.30 has been filed under Order XXI Rule 65 read with Section 151 of CPC, praying that the Court may be pleased to direct the sale of the schedule



properties through a Court-appointed Commissioner, in an appropriate and orderly manner, either as a whole or in part, commencing from the beginning, particularly from the portion of the land facing the road, for the convenience of the purchaser and so as to realise the decretal amount due. The contents of the said application read as follows:

"That for the reasons stated in the accompanying affidavit, the decree holder prays that this honourable court may be pleased to order that the sale of the schedule property in terms of the order passed by this honourable court be sold through the commission issued by this Honourable court appointing a commissioner to auction the properties in most suitable manner so that the properties are sold in an orderly manner so that the decree holder recovers the money due to him, by sale either as a whole of the listed land or in part i.e., whole of the survey No. starting from this land which is facing the road and continuing thereafter as found suitable by the commissioner, till the amount due under the decree would be realised from the sale of the properties listed in brief below and grant such other



reliefs as deemed just in the circumstances in the ends of justice.

1. land measuring 4 acres 01 gunthas in survey No. 15

2. Land measuring 3 acres 07 gunthas in survey No. 76

3. Land measuring 1 acre 37 gunthas in survey No. 16

4. Land measuring 6 acres in survey No. 12/4

5. Land measuring 4 acres 05 gunthas in survey No. 77

All the above lands are situate at Kudidele Village, K. Hoskote Hobli, Alur Taluk, Hassan District."

4. Having considered the facts and circumstances of the case, this Court finds merit in the contentions of the petitioner. The grievance of the petitioner is that the Executing Court has issued the sale proclamation in respect of the entire extent of the properties without examining whether sale of a smaller portion would be sufficient to satisfy the decretal amount.



5. It is also relevant to note that even the decree holder, in I.A.No.30, has sought for sale of the properties either as a whole or in part, commencing from the beginning, particularly from the portion of the land facing the road, for the convenience of the purchaser and in an orderly manner. This clearly indicates that sale of the entire extent of the property is not necessary in the first instance. Even the Decree Holder also sought a sale proclamation only to the extent required to realize the decretal amount by sale of part of the suit schedule properties.

6. In execution proceedings, only such portion of the property which is sufficient to satisfy the decretal amount should be sold. Hence, issuing a sale proclamation for the entire extent of 19 acres 10 guntas, without first attempting sale of a lesser extent, is not justified.

7. Accordingly, this Court is of the opinion that the impugned orders are liable to be modified.



ORDER

- a) The writ petition is ***disposed of.***
- b) The impugned orders dated 08.12.2025 and 28.02.2026 passed by the Executing Court on I.A.Nos.29 and 30 in Ex.No.202/2018, respectively are modified.
- c) The Executing Court is directed to conduct the spot sale only to the extent of the properties sufficient to satisfy the decretal amount, approximately Rs.2,12,00,000/-, instead of proceeding with the sale of the entire extent of the suit schedule properties.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**