

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
And
THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.38125 of 2018

ORDER: *(Per Hon'ble Sri Justice M.S. Ramachandra Rao)*

Heard THE learned counsel for petitioner and learned Government Pleader for Revenue appearing for respondent Nos.1 and 2 and Mrs.M.Kiranmayee, learned counsel appearing for respondent Nos.7 to 9.

2. It is stated by counsel on both sides that the issue in this Writ Petition is covered by the order of this Court reported in **City Union Bank Ltd., Karimnagar Branch Vs. Sub-Registrar, Peddapalli, Karimnagar District and others¹**.

3. In the said judgment, this Court has held that when a sale of mortgaged property is conducted under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'), the sale certificates executed by the Bank in favour of auction purchasers cannot be refused to be registered by the Sub-Registrar/Registrar under the Registration Act, 1908 on the pretext that there is an order of attachment before judgment granted by a Civil Court in respect of the property which is subject matter of the said sale certificates.

¹ 2018(6) ALD 16 (DB)

4. This legal position is not being disputed by the respondents' counsel.

5. Therefore, the Writ Petition is allowed and the 2nd respondent is directed to register the sale certificate dt.29-05-2018 issued by the petitioner under provisions of the Act without reference to the attachment order issued by the XIII Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar on 13-06-2016 in I.A.No.179 of 2016 in O.S.No.246 of 2016. No costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE K. LAKSHMAN

Date: 14-10-2019

Vsv