

A.Nos.302 and 303 of 2021

P.T. ASHA, J,

These applications are moved by the auction purchaser seeking (a)to set aside the auction sale order dated 16.07.2019 in A.No.4183 of 2018 and the subsequent auction dated 07.09.2019 and (b)to refund a sum of Rs.66 lakhs deposited by the auction purchaser pursuant to the orders of this Court dated 16.07.2019 in A.No.4183 of 2018.

2.The 1st respondent/applicant had filed A.No.4183 of 2018 for a direction to the respondents therein to furnish security to the tune of Rs.61,23,302/- failing which to order the sale of the immovable properties. By order dated 16.07.2019, this Court had directed the respondents therein to furnish security to the tune of Rs.61,23,302/- on or before 02.07.2019 failing which this Court directed the order of sale would be passed. Thereafter, by an order dated 16.07.2019, the sale of the property was ordered. The applicant herein became the successful bidder quoting a sum of Rs.66 lakhs. This Court by order dated 03.12.2019 was pleased to pass an order and he had also remitted the entire amount.

P.T. ASHA, J.

mps

3.It is the contention of the auction purchaser that thereafter, they came to know that the 3rd respondent herein who is the 2nd respondent in A.No.4183 of 2018 was not the true owner of the property and that the documents brought for the auction was fabricated. Therefore, he has taken out the above application.

4.When the matter came up today before this Court the learned counsel for the 1st respondent Finance Company had no objection to these applications being allowed and accordingly, the order dated 16.07.2019 directing the auction is set aside and consequently, the auction held on 07.09.2019 is also set aside. The sum of Rs.66 lakhs remitted by the auction purchaser/applicant herein is directed to refund him.

The Registry is directed to issue the Cheque in the name of the auction purchaser on his producing valid proof.

04.02.2021

mps

A.Nos.302 and 303 of 2021