



O.A.No.381 of 2023
in C.S.No.721 of 1998

R.N.MANJULA, J.

On 26.04.2023 this Court passed the following order:

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“8. A reading of the plaint of the suit in O.A.No.9628/2021 the applicant had categorically admitted that he is only liable to repay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) for redeeming the mortgage. In view of the admitted aforesaid statement, I direct the applicant to pay a sum of Rs.3,30,000/- (Rupees Three Lakhs and Thirty Thousand only) on or before 16.05.2023, a further sum of Rs.3,30,000/- (Rupees Three Lakhs and Thirty Thousand only) on or before 30.05.2023 and a further sum of Rs.3,40,000/- (Rupees Three Lakhs and Forty Thousand only) on or before 15.06.2023 to the respondent directly as it is equal to the admitted amount payable by the applicant to the respondent. The aforesaid amount shall be paid directly to the account of the respondent. On payment, the respondent shall defer the public auction in respect of the application schedule mentioned property. If the applicants defaults in making of any further installments it will be open to the respondents to proceed further.

9. List the case on 19.06.2023, on which date the applicant shall file the statement of accounts on the loan amount. Learned Advocate Receiver is also directed to the loan account of the applicant.”

2. The learned Advocate Commissioner had filed a memo dated 05.06.2023 stating that the applicant has failed to comply the earlier conditional order. He further stated that the applicant has not even paid the first installment as per the earlier order and hence the stay granted by this Court shall be vacated.

3. The memo of the Advocate Commissioner is recorded. Since the



applicant has not complied the earlier order of this Court and even failed to make the first installment as ordered, he is not entitled to any other reliefs as prayed for.

4. Hence this Original Application is dismissed.

19.06.2023

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