



A.No.73 of 2022

A.No.73 of 2022
in
C.S.No.240 of 2019

R.N.MANJULA, J.

This matter is listed under the caption “for being mentioned”.

2. The learned Counsel for the petitioner submits that the auction has already been over and in the order dated 27.09.2023 in A.No.73 of 2022, the waiver for depositing 3/4th share of the sale consideration has been given on the presumption that the auction sale is yet to be conducted.

3. It is further submitted that in Paragraph No.5 of the order it is erroneously stated that the applicants/defendants 1 to 3 are going to participate in the auction. Hence, clarification and correction is sought.

4. It appears that the petition was filed before auction was completed. But, during the pendency, auction sale got completed. So, there are certain discrepancies in the order dated dated 27.09.2023 in A.No.73 of 2022, more particularly in paragraph No.5, which is now rectified by substituting the



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following for Paragraph No.5:-

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“5. The applicants/defendants 1 to 3 have already participated in the auction sale conducted on 27.01.2021, and it is over. The applicants/defendants 1 to 3, who have also got 3/4th share. Hence, this Court allows the applicants/defendants 1 to 3 to retain the same without depositing it. It is sufficient that the applicants/defendants 1 to 3 to deposit 1/4th share of the sale proceeds representing the plaintiff's share if the said deposit has already been made, if not, in that case, the plaintiff is at liberty to file payment out application. ”

5. Registry is directed to correct the Paragraph No.5 of the order dated 27.09.2023 passed in A.No.73 of 2022 in C.S.No.240 of 2019, as indicated above.

6. After making the above corrections, the Registry is directed to issue a fresh order copy to the parties concerned.

10.10.2023

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