HC-KAR

NC: 2026:KHC:59614
WP No. 32761 of 2026

CNR: KAHC010716472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 32761 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. VENKATRAMANAPPA
   SON OF SHRI. VENKATAPPA,
   AGED ABOUT 60 YEARS,

2. SMT. SAVITHRAMMA,
   W/O SRI VENKATRAMANAPPA,
   AGED ABOUT 59 YEARS

3. SRI.V.SUBRAMANI,
   SON OF SRI. VENKATRAMANAPPA,
   AGED ABOUT 37 YEARS,

4. SMT. V. MALASHRI,
   DAUGHTER OF SRI. VENKATRAMANAPPA,
   AGED ABOUT 35 YEARS,

   ALL THE PETITIONERS ARE
   RESIDENTS OF BELATHUR VILLAGE,
   KADUGODI POST,
   BIDARAHALLI HOBLI,
   BANGALORE EAST TALUK,
   BANGALORE -560 067

...PETITIONERS

(BY SRI SWAMY N. B. N., ADVOCATE)

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

AND:

1. M/S SRIVEN BUILDERS
   A PROPRIETARY CONCERN
   HAVING OFFICE AT NO.20/1,
   1ST CROSS, LAKSHMI LAYOUT,
   MUNNEKOLALA,
   BANGALORE-560 037
   REPRESENTED BY ITS PROPRIETOR
   SRI. RAVI CHANDRA REDDY

2. SRI.CHIKKANNA,
   SON OF SHRI. VENKATAPPA @
   THIMMARAYAPPA AND SADAMMA,
   AGED ABOUT 62 YEARS,

3. SMT. PAPAMMA,
   W/O SRI.CHIKKANNA,
   AGED ABOUT 61 YEARS,

4. SRI.NATARAJA,
   S/O SRI.CHIKKANNA,
   AGED ABOUT 44 YEARS,

5. SMT.MANJULA,
   D/O SRI. CHIKKANNA,
   AGED ABOUT 40 YEARS,

6. SRI.MURALI,
   S/O SRI.CHIKKANNA,
   AGED ABOUT 38 YEARS,

   RESPONDENTS NOS. 2 TO 6 ARE
   ARE RESIDENTS OF BELATHUR VILLAGE,
   KADUGODI POST, BIDARAHALLI HOBLI,
   BANGALORE EAST TALUK,
   BANGALORE -560 067

…RESPONDENTS

(BY SRI P.N. NANJA REDDY, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE ORDER PASSED ON 5.08.2026 IN IA U/S ORDER XXI RULE 84 AND 85 OF CPC R/W 151 AND 05.09.2026 IA U/S 114 R/W 151 OF CPC IN EXECUTION PETITION IN COM.EX.NO.42/2026 (ANNEXURES P AND S RESPECTIVELY) ON THE FILE OF THE XI ADDL. DISTRICT AND SESSIONS JUDGE, (DEDICATED COMMERCIAL COURT), BANGALORE RURAL DISTRICT, BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed challenging the orders dated 05.08.2026 and 05.09.2026 passed in Com.Ex.P.No.42/2026.

2. Learned counsel appearing for the petitioners submits that the auction sale of the property conducted in execution of the decree is in violation of the conditions stipulated in the sale proclamation. It is contended that, as per the said conditions, 25% of the purchase money was required to be deposited on the date of the auction and the remaining amount within 15 days. However, on the date of the auction, only 10% of the purchase money was deposited, which is contrary to Order XXI Rule 84 of the CPC.

2.1 Learned counsel submits that the requirement of depositing 25% of the purchase money under Order XXI Rule 84 of the CPC is mandatory and that non-compliance therewith renders the entire auction proceedings a nullity. In support of the said submission, reliance is placed on the judgment of the Hon'ble Supreme Court in ***Gas Point Petroleum India Ltd. v. Rajendra Marothi and Others (Civil Appeal No. 619 of 2023)***.

3. *Per contra*, learned counsel appearing for the caveator submits that the impugned sale has been confirmed and a sale certificate has been issued. It is further submitted that the execution proceedings have been closed upon satisfaction of the decree and that the petitioners have preferred an appeal against the order closing the execution proceedings. In view of the pendency of the said appeal, it is contended that the present writ petition challenging the orders passed on the interlocutory applications is not maintainable.

4. Considered the submission made by the learned counsel for the parties and perused the documents.

5. The sale proclamation stipulates that 25% of the purchase money shall be deposited on the date of the auction and the remaining amount within 15 days. The requirement of depositing 25% of the purchase money is in compliance with Order XXI Rule 84 of the CPC. The Hon'ble Supreme Court, in the judgment referred to *supra*, has held that the deposit of 25% of the purchase money is mandatory and that any failure to comply with the said requirement renders the auction sale a nullity.

6. The submission made by learned counsel for the petitioners is supported by the judgment referred to supra. However, in view of the subsequent developments, namely, the issuance of the sale certificate and the closure of the execution proceedings, against which the petitioners have preferred an appeal, the impugned orders cannot be examined independently in the present petition. The orders impugned herein stand merged with the final order under challenge in the pending appeal. It would be open to the petitioners to urge the grounds raised in the present petition in the pending appeal.

7. In view of the above, the writ petition is not entertained. All contentions are kept open.

8. Accordingly, the writ petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 22