

ORDER ON I.A.

The auction purchaser has filed this application to direct the Manager of Canara Bank, Mahalaxmi Branch, to deliver all the documents relating to the petition schedule property kept in their locker to the GPA holder of the auction purchaser.

2. In the affidavit, it is stated that the auction purchaser has been put in possession of the schedule premises after delivery warrant and certain documents relating to the auctioned schedule property is kept in the locker of Canara Bank, Mahalaxmi Branch, Bangalore, as per the order of this Court dated 07.08.2010 and these documents are required by auction purchaser to be kept with him for his ownership and also to be given to the Bank where the auction purchaser has availed loan. Hence, he has prayed to direct the Manager of Canara Bank to deliver documents to the GPA holder of auction purchaser.

3. The petitioners and respondents have not filed any objections.

4. Heard both the counsels. Perused the records.

5. In this FDP, auction purchaser has purchased the scheduled premises and has deposited the consideration amount and even the consideration amount received by sale of the property has been received by most

of the sharers. Even the possession of the schedule premise is delivered to the auction purchaser as per the order already passed. Now, the present application is filed praying to direct the Manager of the Canara Bank to deliver the documents relating to the schedule premises which is kept in their locker as per order of this Court dated 07.08.2010. The Manager of the Canara Bank has even appeared before the Court and has submitted letter with inventory of the safe deposit which shows that there are some documents with regard to schedule premises available in the safe deposit of the Bank.

6. The order sheet discloses that earlier on 03.07.2010, order was passed on IA No.1 and the Bank Manager of Canara Bank was directed to break open locker and draw an inventory showing the details of the properties found in the locker and produce the properties including gold, silver, share certificates and any other documents in the locker to the Court. Accordingly, Manager had appeared on 07.08.2010 and had produced the properties in the locker in a sealed cover. On the same day, this Court has passed an order directing the Officer of Canara Bank to keep the sealed cover in the custody of the Bank and to produce the same whenever directed. Therefore, the properties which were found in the locker No.688 was opened and in a sealed cover, it is produced before the Court and as per the order of this Court dated

07.08.2010, this sealed cover is again given to the Bank with a direction to keep the sealed cover in the custody of the Bank and produce the same whenever directed. Thereafter, proceedings in the FDP is proceeded and property was sold and auction purchaser paid consideration amount and then, he has received delivery of possession of the schedule property and even order has been passed on 02.07.2016 and posted the matter for further steps with regard to schedule 2 and 3 of their petition.

7. After auction purchaser filing application seeking documents regarding schedule premises which has been purchased by him, Manager of the Bank has submitted letter with inventory of the safe deposit, both petitioners and respondents have not raised any objection to the application. Since auction purchaser has already purchased the property and he is entitled to have custody of the documents with regard to the schedule property which has been purchased by him in the auction, it is proper to direct Bank Manager to hand over the documents relating to petition schedule property which is kept in their safe custody to the auction purchaser. Though the learned counsel for respondent No.1 has submitted that Bank is to be directed to produce all the movables, share certificates etc., to the Court, as order is already been passed on 07.08.2010 directing the Bank to

keep the properties with it, till direction is given by the Court to produce the same and there is no order passed with regard to these movables which is now with the Bank, no such order need be passed at this stage to produce all other movables before the Court as prayed by learned counsel for respondent No.1. Therefore, on the application filed by auction purchaser, it would suffice to direct Manager of the Canara Bank to deliver the documents relating to the petition schedule property to the GPA holder of auction purchaser with proper acknowledgement and on proper identification as prayed. Accordingly, following order is passed:

O R D E R

I.A. filed by auction purchaser is allowed.

Manager of the Canara Bank is directed to deliver all the documents relating to the petition schedule property kept in their safe custody as per order dated 07.08.2010 to the GPA holder of the auction purchaser, on proper identification and by taking proper acknowledgement.

Issue intimation to the Bank accordingly.

For steps, call on 02.06.2017.

(RAVINDRA HEGDE)
XVII Addl. City Civil & Sessions Judge,
I/c. IX Addl. City Civil & Sessions Judge,
Bangalore.

FDP.No.31/2010
