

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) Nos.3134 and 3135 of 2015

And

M.P.Nos.1 and 2 and 1 and 2 of 2015

1.Chinnadurai
2.Rani
3.Jayanthi
4.Kannan
5.Selvi
6.Samundeswari
7.Sinthamani
8.Thangamani
9.Govindaraj
10.Selvi
11.Manimegalai
12.Selvaraj
13.Sembala Duraisamy
14.Krishnaveni

... Petitioners in both C.R.P.(PD)s.

Vs.

The Executive Officer,
Arulmighu Arapaleeswarar Thirukoil,
Kolli Hills, Namakkal Taluk,
Namakkal District.

... Respondent in both C.R.P.(PD)s.

Common Prayer:

Petitions filed under Section 115 of the Code of Civil Procedure against the fair and decretal order of the learned Subordinate Judge, Namakkal dated 29.07.2015 made in I.A.Nos.12 and 14 of 2015 respectively, in C.M.A.Nos.5 and 6 of 2015 respectively.

For Petitioners : Mr.J.Abrar Mohammed Abdullah
For Respondent : Mr.R.Subramanian

COMMON ORDER

These Civil Revision Petitions are directed against the orders dated 29.07.2015 in I.A.Nos.12 and 14 of 2015, whereby and whereunder, the learned Subordinate Judge, Namakkal dismissed the applications filed by the petitioners to injunct the respondent from conducting the auction pending disposal of Appeals.

2.The petitioners filed O.S.No.278 of 2015 before the District Munsif Court, Namakkal challenging the auction notice issued by the respondent. In the said suit, the petitioners filed an Interlocutory Applications for injunction. The learned Trial Judge declined to grant injunction. The orders were challenged before the Subordinate Court, Namakkal. The petitioners again filed Interlocutory Applications before the Appellate Court to injunct the respondent from conducting auction during the currency of the Appeals. The learned Appellate Judge declined to grant injunction.

3.The learned counsel for the petitioners on instructions, submitted that the petitioners would be satisfied in case liberty is given to them to take part in the auction instead of prosecuting the

suit.

4.The matter was discussed with the learned counsel for the respondent. The learned counsel on instructions, submitted that the respondent is prepared to permit the petitioners to take part in the auction provided, they clear the entire arrears as on date.

5.The learned counsel for the petitioners undertook to clear the entire arrears as a condition precedent for allowing the petitioners to take part in the auction.

6.In view of the consensus arrived at among the parties, the following order is passed:

(i)The respondent is permitted to serve individual notices on the petitioners indicating the total arrears payable by them as on 31st October, 2016.

(ii)The petitioners are directed to pay the entire arrears within a period of two weeks from the date of receipt of notice from the respondent.

(iii)In case the entire arrears is paid as indicated above, the concerned petitioners would be permitted to take part in the auction.

(iv)The bid submitted by the petitioners would be accepted in

case, the sum match the highest bid submitted by the other bidders. In short, if everything is equal, preference should be given to the petitioners.

7.In view of the settlement arrived at among the parties, the suit in O.S.No.278 of 2015 on the file of the District Munsif Court, Namakkal is struck off. The status-quo as on today, shall be preserved till the expiry of time indicated in the notice for payment of arrears.

8.The Civil Revision Petitions are disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

17.11.2016

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Index: Yes/ No
Internet: Yes/ No

Note: Issue order copy on 25.11.2015.

To

1.The Subordinate Court, Namakkal.

2.The District Munsif Court, Namakkal

K.K.SASIDHARAN,J.
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and 3135 of 2015
And
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