

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**CIVIL REVISION PETITION No.444 of 2016**

**ORDER:**

This revision is preferred by the Judgment Debtors (J.Drs.) against an order passed by the Executing Court in E.P.No.10 of 2013. On 08.12.2015 a docket order is passed by the Executing Court in E.P.No.10 of 2013 fixing the upset price for sale of immovable property at Rs.15,75,000/- and hence sale proclamation was called for on 28.01.2016.

It is important to notice that both the parties herein, who are the J.Drs. have stayed away from participating in the Execution Proceedings, where the Decree Holder (D.Hr.) has filed a market value certificate and based thereon the upset price is fixed by the Court.

The essential purpose of fixing the upset price is to secure bids which fetch a minimum value equivalent to the upset price fixed or more than that. It is for the J.Drs., if at all they are very keen to have a higher value to be fixed as upset price, to participate in the Execution Proceedings and with reference to reliable material to demonstrate that the value of the property sought to be attached and sold has much higher value and consequently the upset price should be fixed at more than Rs.15,75,000/-, as is now fixed by the Court.

Since both the petitioners are at fault in not participating in the enquiry undertaken by the Executing Court at the stage of fixing the upset price, one cannot assume that prejudice has been caused to the case of the J.Drs. by fixing the upset price at Rs.15,75,000/-.

I, therefore, do not consider that the Executing Court has committed any illegality in exercise of jurisdiction vested in it in fixing the upset price. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any pending shall also

stand closed.

12.02.2016  
Ksp

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**JUSTICE NOOTY RAMAMOHANA RAO**