



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

C.R.P. (NPD) (MD) No. 1571 of 2017

and

C.M.P. (MD) No. 8782 of 2017

Philominal

... Petitioner

-Vs-

Christudhas

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decreeal Order dated 22.06.2017 in E.A.No.171/2017 in E.P.No.19/2012 in O.S.No.57/2007 on the file of the Subordinate Court, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.P.Ranjitham

ORDER

Challenge in this Civil Revision Petition is made to the order of the Court below in reducing the upset price from Rs.7,00,000/- to Rs.6,00,000/-.

2.It is found that the respondent has levied an execution proceedings against the petitioner. When the property involved in the matter had been brought for sale, the upset price was fixed at Rs.7,00,000/-. It is found that on the date of sale, there were no bidders for sale and accordingly, the respondent levied an application to reduce the upset price from Rs.7,00,000/- to Rs.5,00,000/- on the footing that on the earlier date fixed for sale, there were no bidders for sale for the above said upset price. The Court below taking into consideration of the same had reduced the upset price from Rs.7,00,000/- to Rs.6,00,000/-. It is found that the Court below has rightly taken into consideration all the relevant facts and circumstances and accordingly, reduced the upset price to Rs.6,00,000/-. In such view of the matter, I do not find any infirmity or error in the order of the Court below.

3.Resultantly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar