



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.576 of 2017

Regina Jeyapaul

... Petitioner

/Vs./

1.G.Gopalakrishnan
2.M.S.Sankaran @ M.S.Sankar
3.M.L.Raghavan
4.Rengasamy Thever (died)
5.Muniammal
6.Shanmugavalli
7.Alagu

... Respondents

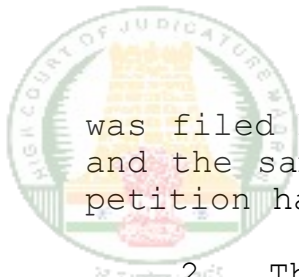
(Respondents 5 to 7 are brought on record as the legal heirs of the deceased 4th respondent vide Order dated 20.10.2016 made in M.P.(MD) No.1 to 3 of 2015 in C.R.P.(MD)SR40061 of 2010.)

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to against the judgment and decretal order of the Court of the II Additional Sub Judge, Madurai in I.A.No.421 of 2009 in I.A.No.81 of 1989 in O.S.No.13 of 1932 dated 19.07.2010.

For Petitioner	: Mr.S.Ramesh for Mr.V.Ragahvadhari
For Respondents	: Mr.R.Vijayakumar for Mr.S.P.Sonai samy

ORDER

O.S.No.13 of 1932 on the file of the II Additional Sub Judge, Madurai, is a scheme suit. In the said suit, I.A.No.81 of 1989 was filed for alienating the Trust property in favour of the revision petitioner herein and the same was allowed. Questioning the same, a beneficiary moved the High Court by filing C.R.P.(MD)Nos.3567 to 3570 of 1994 and 160 to 163 of 1993. The CRPs were allowed on 16.06.1994 and the order passed by the Court below was set aside and the matter was remitted to the file of the Scheme Court to decide the issue of necessity to alienate. After remand, the revision petitioner offered to buy the property at a particular rate. In the said proceedings, an Impleading application in I.A.No.421 of 2009



was filed by the contesting respondents, who offered a better price and the same was allowed. Questioning the same, this civil revision petition has been filed.

2. The issue cannot admit of any doubt or ambiguity. Here is the case of a trust property being sold. In the very nature of things, it has to be sold only at a public auction. Sale of property ought to go to the highest bidder. Therefore, the order passed by the Court below permitting the third party to intervene cannot be said to be incorrect. The most appropriate thing to be done is, even while sustaining the order impugned in this civil revision petition, is to direct that the property in question has to be sold only at a public auction, so that maximum value is realised for the trust.

3. With this direction, this civil revision petition is dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The II Additional Subordinate Judge,
Madurai.

+ 1 CC TO Mr.V.RAGHAVACHARI, ADVOCATE IN SR No. 89850
+ 1 CC TO Mr.R.VIJAYAKUMAR, ADVOCATE IN SR No. 89464

SM

TE/RP/SAR-4 : 08/11/2018 : 2P/4C

Order made in
C.R.P. (MD) (PD) No.576 of 2017
09.10.2018