



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2019

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (NPD) (MD) No.790 of 2019

and

CMP (MD) No.4861 of 2019

N.K.Mariappan Chettiar

... Petitioner/Respondent/Defendant

vs.

Kottursamy

... Respondent/Petitioner/Plaintiff

Petition filed under Section 115 of the Civil Procedure Code, against the petition and order dated 19.02.2019 passed in E.A.No.6 of 2019 in E.P.No.43 of 2017 on the file of the Sub Court, Sankarankovil, in O.S.No. 55 of 2012 on the file of the Additional Sub Court, Tenkasi.

For Petitioner : Mr.S.Sukumar

For Respondent : Mr.T.Selvan

ORDER

This revision petition is filed against the petition and order dated 19.02.2019 passed in E.A.No.6 of 2019 in E.P.No.43 of 2017 on the file of the Sub Court, Sankarankovil.

2.When the matter is taken up for hearing, learned counsel for the petitioner would submit that in another case in O.S.No.104/2012, the learned Judge had fixed the upset price as Rs.26,76,000/- and in respect of the same survey number, in the present case, the upset price has been fixed as Rs.2,63,000/- without following any procedure. Thus, he prayed for setting aside the impugned order.

3.Learned counsel for the respondent would fairly state that the impugned order may be set aside and the matter may be remanded to the learned Judge for fixing the upset price afresh after following the procedure and by getting the valuation from the recognised sources.

4.Recording the submission of the learned counsel for the respondent, the order dated 19.02.2019 passed in E.A.No.6 of 2019 in E.P.No.43 of 2017 on the file of the Sub Court, Sankarankovil, is set aside and the matter is remanded to the learned Judge who shall fix the upset price afresh by following the procedure and by getting the valuation from the recognised sources.



With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CS II)

Sub Assistant Registrar (CS)

To

1.The Sub Judge,
Sankarankovil.

2.The Additional Sub Judge,
Tenkasi.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-71961[F] dated 27/06/2019)

+1 CC to M/s.T.SELVAN, Advocate (SR-71872[F] dated 27/06/2019)

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KK/SAR/22.07.2019/2P-5C

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