

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.No.378 of 2019
and
C.M.P.No.2626 of 2019

V.Devaraj

... Decree Holder / Plaintiff / Petitioner

Vs

Latha Rani

... Judgment Debtor / Defendant / Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket order dated 16.11.2018 made in E.P.No.13 of 2016 in O.S.No.86 of 2015 on the file of the I Additional District Court, Coimbatore.

For Petitioner

..

Mr.I.Abrar Md Abullah

For Respondent

..

Mr.K.S.Karthick Raja

ORDER

I do not want to keep this Civil Revision Petition which is of the year 2019 any further on the board of this Court.

2.The revision petitioner is the plaintiff / decree holder who had originally filed O.S.No.86 of 2015 and obtained a decree and later filed E.P.No.13 of 2016. This is pending on the file of the 1st Additional District Judge, Coimbatore. The petitioner also has the benefit of the attachment of the property of the defendant / Judgment Debtor. Execution Petition has been moved and progressed to such an extent that the property of the respondent is now to be brought up for sale. It is at the stage of determining the value of the said property. The learned counsel for the revision petitioner Mr.I.Abrar Md Adullah, took the Court through the docket order, wherein, the learned I Additional District Judge, Coimbatore on 16.11.2018 had stated that the decree holder values the particular property as Rs.9,00,000/-, the judgment debtor values it at more than 40,00,000/- and the Amin values the same for Rs.11,00,000/- and for good measure to throw in a particular amount in the ring, the I Additional District Judge, Coimbatore had valued the property as Rs.30,00,000/-.

3.The learned I Additional District Judge, should be aware of the fact that a property is brought for sale and it should have a value in proportion or with respect to its extent and its marketability. An adhoc value cannot be determined.

4.The learned I Additional District Judge, Coimbatore may call upon the Amin to give a basis on which the value of the property was ascertained and thereafter, let the learned I Additional District Judge, Coimbatore, apply his/her mind and come to a reasonable value of the property. The value seems to varying from Rs.9,00,000/- to more than 40,00,000/- and that range is quite disturbing.

5.Therefore, the said order which is now complained of in the Revision Petition is interfered with a request to the learned I Additional District Judge, Coimbatore, to re-examine the entire issue and call for a specific report from the Amin with respect to the value of the property. Let the learned Judge, insist that such value or report with regard to the valuation should be with some basis and thereafter, let the learned Judge determine the value of the property and proceed further in manner known to law.

6.The Revision Petition has been pending for the past more than two years to the disadvantage of both the petitioner and the respondent herein. Therefore, the learned Judge may proceed further without any unnecessary delay and move forward in the manner as prescribed by the law in this regard. Since it is sale of a property, it would be a very vain on the part of this Court to fix a time limit. But I am confident, that the learned Judge would be able to determine the value and proceed further in E.P.No.13 of 2016 within a reasonable period of time. No further orders are required.

7.With the above observations, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

12.07.2021

smv
Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No

To:-
The I Additional District Court, Coimbatore.

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C.V.KARTHIKEYAN,J.

smv



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