



CRP(MD). No.202 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Nineteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice K.MURALI SHANKAR

CRP(MD). No.202 of 2021

Arjun Amaravathi Chits (P)Ltd.,
D.No.20 Kutcheri Salai,
Mylapore,
Chennai.
(Represented by its Power of Attorney
Holder C.K.Haridasan S/o. Narayanan
Nambiyar)

... Petitioner/ Petitioner

Vs

1 D.Vikraman,

2 Sree Latha,

... Respondents/ Respondents

Prayer :-

Civil Revision Petition filed under section 115 of the Civil Procedure Code, set aside the order passed in E.A.No.3 of 2020 in E.P.No.41 of 2014 (in ARC No.664 of 2011 Arbitrator of Chits Chennai) dated 09.11.2020 on the file of Sub Court, Kuzhithurai.



CRP(MD). No.202 of 2021

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ORDER:- This Petition coming on for orders on this day under the caption for "Extension of time" and upon persuing the earlier order of this court dated 12.03.2021 and requisition letter submitted by the Subordinate Judge, Kuzhithurai vide letter in D.No.933/2023, dated 20.09.2023 this Court made the following order:
order:

Today, this case is listed under the caption for "Extension of Time for trial Court".

2. The learned Subordinate Judge, Kuzhithurai, has submitted a requisition dated 25.09.2023 narrating the various hearings. Admittedly, EP is for sale. In case if property is sold in the first Court auction sale conducted by the Court, then there will be no problem for concluding the execution proceedings, but in case if the property is not sold for want of bidders, then the decree holder has to file an application for reduction of upset price and the executing Court, after notice to the other side, has to pass orders and on that basis, sale price has to be fixed and proclamation has to be issued. Hence, it is practically not possible to fix any specific time limit for completing the sale EP as the same would depend upon as to when property is sold. More importantly, the decree holder as well as the executing Court



CRP(MD). No.202 of 2021

are duty bound to adhere to all the mandatory requirements contemplated under Order 21 of the Code of Civil Procedure and any violation of any of the mandatory requirements, if proved would vitiate the sale itself. Hence, this Court is not inclined to stipulate any specific time limit. But at the same time, the executing Court is directed not to give unnecessary adjournments and to take the proceedings with required speed and every endeavour should be taken to complete the proceedings as early as possible.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS - I / II / III/ IV)

TO

1.The Subordinate Judge,
Kuzhithurai.

2. The Principal District Judge,
Kanniyakumari at Nagercoil.

Copy to:
The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.



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CRP(MD). No.202 of 2021

ORDER DATED : 19/12/2023

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ORDER

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CRP(MD). No.202 of 2021

Giving direction and etc.
as stated within.

DL/(09.02.2024)/ 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.