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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(NPD)No.952 of 2022
and C.M.P.No.4909 of 2022

1.Ponnusamy
2.Natarajan
3.Easwaramoorthy

... Petitioners

Vs.

Love and Jesus Ministry
Represented by its Managing Trustee
Rev.Dr.A.Jawahar Samuel,
S/o.M.Abishegam
Reg Office: No.2, 100 feet road,
Avarampalayam Road,
Sidhapudur Post, Coimbatore.

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the order dated 25.01.2022 made in Trust O.P.No.39 of 2021 on the file of the Hon'ble Principle District Court, Tiruppur and set aside the same.

For Petitioners : S.Adaikkappan @ Sithirai Anandam

O R D E R

This matter came up before this Court on 05.04.2022 and this Court recorded the following facts and the same is extracted below for convenience;

"This revision is preferred by the first respondent in Trust O.P.No.39 of 2021 challenging an order passed by the District Court in the said Trust O.P.

2.The learned counsel for the revision petitioner submitted that the first respondent herein is a Trust, and it owns several properties in Kodangipalayam village, Palladam Taluk, that the Trust is cash-starved, and in order to mobilise funds for the improvement of the Trust, it chose to



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alienate one of its properties and entered into a sale agreement for sale of certain properties with the revision petitioners herein and that the revision petitioners have made a payment of Rs.40.0 lakhs to the Trust which the latter has spent. In the meantime, the Trust has approached the District Court for leave to alienate the Trust property, which the court is informed, is one of the terms of the sale agreement. However, much to the dismay of the revision petitioners, the learned Principal District Judge, Tiruppur has directed the sale of the property by public auction.

3.The learned counsel submitted that the revision petitioners having invested about Rs.40.0 lakhs, are now in peril, as they are not sure whether they could secure the money in the eventuality of they losing the bid in the public auction. Learned counsel for the revision petitioners seeks time to work out strategies."

2.Today, the learned counsel for the revision petitioners submitted that this Court may endeavour to examine the fairness of the price arrived between the parties and for it represents the market price of the property. This is essentially a fact finding, which this Court does not want to entertain or engage in.

3.The broader aspect is, the Trust shall mobilise optimum funds with its properties, and one will never know the best price the property may fetch in the open market. In other words, the concern of the Court is always to maximize the price and not to obtain any perceived the market price. Therefore, going for a public auction is inevitable.

4.This Court, therefore confirms the order of the learned District Judge and directs the Court to order public auction of the property. The learned Judge may also consider holding an e-auction of the property through any of the established private e-auctioneers/ e-auctioning sites. The revision petitioners herein are entitled to participate in any such auction. If the revision petitioners are declared as the successful bidder in the auction, necessarily Rs.40 lakhs that they have already paid to the Trust as advance amount will stand adjusted. On the contrary, if a third party becomes the highest bidder, then such third party should be directed to deposit the entire sale consideration to the credit of this case before the District Court, whereupon, the District Judge shall first disburse a sum of Rs.40 lakhs which the revision petitioners claim to have



paid. The Trust after satisfying itself of the correctness of the statement made and then pay the balance to the Trust.

5.The learned District Judge may also consider awarding a reasonable interest on the amount that may become payable to the revision petitioners which is one of the eventualities this Court now anticipates. Such interest may not exceed 4% p.a. The entire exercise herein must be completed within a period of four (4) months from the date of communication of this order excluding intervening summer holidays 2022.

6.The Civil Revision Petitions is disposed of accordingly. Consequently, the Connected Miscellaneous Petition is closed. No Cost.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Principle District Court
Tiruppur

COPY TO
The Section Officer,
VR Section,
High Court, Madras-104.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.26107

C.R.P (NPD) No.952 of 2022
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RR (CO)
CT 10/05/2022