



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.1498 of 2021

and

C.M.P. (MD)No.8268 of 2021

K.Vijayaragavan

... Petitioner/Respondent/Respondent/
Defendant [Judgment Debtor]

Vs.

M.Durairaj

...Respondent/Petitioner/Petitioner/
Plaintiff [Decree Holder]

PRAYER: Civil Revision Petition under Section 115 of the Civil Procedure Code, to call for the records pertaining to the Fair and Decreeal order dated 16.08.2021 in E.A.No.2 of 2021 in E.P.No.201 of 2016 in O.S.No.92 of 2010 on the file of the learned Additional District Judge, Dindigul and set aside the same.

For Petitioner :Mr.S.Vikram

For Respondent :Mr.V.Sukumar

ORDER

This Civil Revision Petition has been filed to set aside the order, dated 16.08.2021 in E.A.No.2 of 2021 in E.P.No.201 of 2016 in O.S.No.92 of 2010 passed by the learned Additional District Judge, Dindigul.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The Plaintiff/Decree Holder has filed an application in E.A.No.2 of 2021 in E.P.No.201 of 2016 under Order 21 Rule 66 and Section 151 of Civil Procedure Code and C.R.P. Rule 199(2) to reduce the upset price from Rs.40,00,000/-[Rupees Forty Lakhs Only] to Rs.35,00,000/-[Rupees Thirty Five Lakhs Only]. The said petition was allowed on 16.08.2021. Aggrieved over the same, the revision petitioner/ defendant/Judgment Debtor is before this Court.

4.Heard on either side. Perused the material documents available on record.



5.The revision petitioner/Judgment Debtor has filed an application under Order 21 rule 66 and Section 151 of Civil Procedure Code and C.R.P. Rule 199(2) in E.A.No.2 of 2021 in E.P.No.201 of 2016 in O.S.No.92 of 2010 to reduce the upset price from Rs.40,00,000/-to Rs.35,00,000/-. The decree was passed in the year 2016. Till now, the revision petitioner/Judgment debtor has not deposited the decree amount. So, his property came for an auction sale and no bidder was available for the fixed upset price of Rs.40,00,000/-[Rupees Forty Lakhs Only]. So, the upset price was reduced in to Rs.35,00,000/-[Rupees Thirty Five Lakhs Only].

6.The total extent of the property is 52 cents and the upset price was reduced into Rs.35,00,000/-[Rupees Thirty Five Lakhs Only], is not reasonable. Since no bidder is available it can be enhanced into Rs.37,00,000/-[Rupees Thirty Seven Lakhs Only]. Hence, the Execution Court has rightly enhanced the upset price.

7.With the above observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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To

The Additional District Judge,
Dindigul.

+1 CC to M/s.V.SUKUMAR, Advocate (SR-11302[F] dated 10/03/2022)

+1 CC to M/s.S.VIKRAM, Advocate (SR-11669[F] dated 11/03/2022)

C.R.P. (MD)No.1498 of 2021

10.03.2022

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