



Comp.A.Nos.364 & 365 of 2023

in

C.P.No.57 of 1998



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SENTHILKUMAR RAMAMOORTHY, J

The property constituting the Maxworth Pannamparai -I Project comprising about 86.32 acres of land was brought for auction sale on 26.04.2023. Mr.K.K.Thirumurugan was the highest bidder. His offer was for a sum of Rs.2,47,00,000/- and he remitted an EMD of Rs.19,10,400/-.

2. Since there were rival claims in relation to the property, the highest bidder filed C.A.Nos.364 & 365 of 2023 for extension of time to pay the sale consideration and for withdrawal from the sale, respectively.

3. At the hearing today, learned counsel for the highest bidder has placed on record a memo dated 04.10.2023 setting out details of the various ailments from which the highest bidder suffered. Several medical reports, receipts and certificates are annexed thereto. It is sufficient to refer to the certificate issued by the Kauvery Hospital through a Senior Pulmonologist. The said certificate indicates that the highest bidder was diagnosed with



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diabetes mellitus Type 2, chronic kidney disease resulting in maintenance haemodialysis, coronary artery disease, etc. The certificate also records that he underwent coronary artery bypass surgery for critical triple vessel disease in September 2023. In view of his health condition and the enormous expenditure incurred for such purpose, the request to withdraw from the sale is reiterated.

4. By taking into consideration the rival claims and the health condition of the highest bidder, as an exceptional case, the highest bidder is permitted to withdraw from the sale subject to forfeiture of a sum of Rs.1,00,000/- from and out of the sum of Rs.19,10,400/-, which was deposited as EMD. Consequently, the Official Liquidator is directed to refund the sum of Rs.18,10,400/- to Mr.K.K.Thirumurugan within a period of ten days from the date of receipt of a copy of this order.

5. Consequently, C.A.No.365 of 2023 is allowed and C.A.No.364 of 2023 has been rendered infructuous and the same is disposed of.

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04.10.2023

Note: Issue Order copy on 06.10.2023

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04.10.2023

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