



WEB COPY



OSA Nos. 53 & 54 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Original Side Appeal Nos. 53 & 54 of 2023
and
C.M.P. Nos. 5011 & 5022 of 2023

M/s. Jain Mission Society
represented by its President
Shanthilal Jain
S/o. Sokalchand
No.1, Narayana Mudali Street
Parrys, Chennai – 600 001

.. Appellant in both
the appeals

Versus

1. The Administrator General and
Official Trustee of Tamil Nadu
City Civil Court Additional Buildings
1st Floor, Chennai – 600 104

2. U.Ruparam
S/o.Udayji

3. M.Mohamed Kasim
S/o.Mohideen

.. Respondents in
both the appeals

Original Side Appeals filed under Order XXXVI Rule 1 of the Original Side Rules r/w Clause 15 of the Letters Patent against the common order dated 07.01.2022 passed in Application Nos.432 & 433 of 2020 on the file of this Court.



OSA Nos. 53 & 54 of 2023

For Appellant

: Mr. P. Chandrasekar
in both the appeals

For R1

: Mr. M.R.Jothimanian

COMMON JUDGMENT

[Judgment of the Court was delivered by R.MAHADEVAN, J]

These appeals are filed as against the common order dated 07.01.2022 passed by the learned Judge in Application Nos.432 & 433 of 2020.

2. Originally, the applications were filed to set aside the auction conducted by the first respondent on 23.01.2020 in respect of the property situated at 108, Narayana Mudali Street, Chennai and to conduct re-auction in respect of the aforesaid property, after giving sufficient opportunity to the appellant. After hearing the counsel for both sides and perusal of the records, by the order impugned herein, the learned Judge dismissed the applications in view of the fact that possession was handed over to the highest bidders viz. second and third respondents herein even on 20.12.2021.

3. Aggrieved by the aforesaid order, the appellant has filed the present original side appeals with a delay of 11 days and the same has been condoned by this Court *vide* order dated 24.02.2023.



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4. Heard both sides and perused the materials available on record.

5. The learned counsel for the appellant submitted that auction held on 23.01.2020 did not fructify for some reasons. He further submitted that the authorities are now proceeding for conducting an auction afresh.

6. The learned counsel appearing for the first respondent also affirmed the aforesaid submission made by the learned counsel for the appellant.

7. In such view of the matter, granting liberty to the appellant to participate in the fresh auction to be conducted by the first respondent, these original side appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J]

[M.S.Q., J]

07.03.2023

Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation; Yes / No

nsd/rsh

Note: Issue copy of this Judgment today (07.03.2023).



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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