



C.R.P.(MD).No.478 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.478 of 2019

and

C.M.P(MD) No.2412 of 2019

1. P.Ravichandiran

2. R.Jeyasree

... Petitioners/Respondents 1 and 2/
Respondents 1 and 2

-vs-

1. Margadarsi Chits Private Ltd.,

Represented by its Foreman

P.Chandirababu

O/O.19, A.A.Road,

Gnanaolivupuram,

Madurai – 625 016.

... 1st Respondent/Petitioner/Petitioner

2. Subbulakshmi

... 2nd Respondent/3rd Respondent/
3rd Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and executable order of court auction sale dated 28.01.2019 passed in E.P.No.37 of 2018 in C.D.No.45 of 2016 on the file of the IV Additional District Judge, Madurai.

For Petitioners : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Rajasekar – for R1

: No appearance – for R2



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ORDER

The present Civil Revision Petition has been filed by the petitioners under Article 227 of the Constitution of India, to set aside the fair and executable order of court auction sale dated 28.01.2019 passed in E.P.No.37 of 2018 in C.D.No.45 of 2016 on the file of the IV Additional District Judge, Madurai.

2. The learned counsel appearing for the petitioners would submit that the very upset price fixed by the Court below is very much low, while comparing the market value. Therefore, the same needs to be set aside.

3. However, the learned counsel appearing for the first respondent strongly objected the said contention, and would submit that without availing the alternative remedy, they had directly approached this Court, and that they did not even file any supporting documents to substantiate the same.

4. This Court has given anxious consideration to the submissions of the learned counsel for the petitioners and the learned counsel for the first respondent.



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5. As rightly submitted by the learned counsel for the first respondent, the very revision petition has been filed against order fixing the upset price by the Court below.

6. The learned counsel for the petitioners would submit that even the third item of petition mentioned property alone is more than Rs.75,00,000/- (Rupees Seventy Five Lakhs only). However, the Court below has fixed all the items of property in a sum of Rs.38,00,000/- (Rupees Thirty Eight Lakhs only) which according to the petitioners is not reflecting the existing market value.

7. It is pertinent to mention here that, the petitioners can very well challenge this ground directly before the court below. However, for the reason best known directly approached this Court. Since there is an equally efficacious relief to the petitioners, this Court is not inclined to entertain this revision petition. Furthermore, not even any supporting documents have been filed to substantiate the petitioners' ground.



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8. In the result, this Civil Revision Petition is **dismissed**. However, the petitioners are at liberty to workout their remedy according to law. Considering the long pendency of the Execution petition, the Court below is directed to dispose of the Execution Petition in E.P.No.37 of 2018 as expeditiously as possible, preferably within a period of six months from the date of receipt of the copy of this order. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

24.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The IV Additional District Judge,
Madurai.



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C.KUMARAPPAN,J.

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