



CRP(MD). No.1633 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Nineteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice K. MURALI SHANKAR

CRP(MD). No.1633 of 2023

A. Velayutha Perumal Pillai,
S/o.V.Arunachalam Pillai,

... Petitioner

Vs

Ragavimal Singh,
S/o.Rajathangam,

... Respondent

Prayer :-

Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Learned Additional District Judge, Kuzhithurai to dispose the execution petition in EP No.4 of 2022 in OS No.127 of 2017 on the file of the Additional District Judge, Kuzhithurai within a time stipulated by this Honourable Court.

ORDER:- This Petition coming on for orders on this day under the caption for "Extension of time" for trial court and earlier order of this court dated 11.07.2023 and requisition letter submitted by the Additional District Judge, Kuzhithurai (FAC) in D.No.542/2023-BC, dated 22.11.2023 the Court made the following order:



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Today, this case is listed under the caption for "Extension of Time for trial Court".

2. The learned Additional District Judge, Kuzhithurai, has submitted a requisition dated 22.11.2023 narrating the various hearings. Admittedly, EP is for sale. In case if property is sold in the first Court auction sale conducted by the Court, then there will be no problem for concluding the execution proceedings, but in case if the property is not sold for want of bidders, then the decree holder has to file an application for reduction of upset price and the executing Court, after notice to the other side, has to pass orders and on that basis, sale price has to be fixed and proclamation has to be issued. Hence, it is practically not possible to fix any specific time limit for completing the sale EP as the same would depend upon as to when property is sold. More importantly, the decree holder as well as the executing Court are duty bound to adhere to all the mandatory requirements contemplated under Order 21 of the Code of Civil Procedure and any violation of any of the mandatory requirements, if proved would vitiate the sale itself. Hence, this Court is not inclined to stipulate any specific time limit. But at the same time, the executing Court is



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directed not to give unnecessary adjournments and to take the proceedings with required speed and every endeavour should be taken to complete the proceedings as early as possible.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS - I / II / III/ IV)

TO

1. The Additional District Judge,
Kuzhithurai(FAC)

Copy to:
The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.



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ORDER DATED : 19/12/2023

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ORDER
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Giving direction and etc.
as stated within.

DL/(09.02.2024)/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.