



WEB COPY



CRP.No.217 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

CRP.No.217 of 2025

and

CMP.No.1429 of 2025

The Management
M/s.Viprah Technologies Limited
Rep.by its Chairman & Managing Director
Mr.C.K.Anantha Subramanian
Azhampalayam Village
Thekkalur Post, Avinashi Taluk
Coimbatore.

... Petitioner

Vs.

1.T.R.Rajasekar
2.S.Bizmohan
3.C.Mani,A
4.S.Balamurugan
5.N.Saravanan
6.P.Arumugam
7.P.Durairaj
8.C.P.Balachandran Nair
9.M.Ragunathan
10.R.Sutharsan
11.S.Sivakumar
12.S.Karunanithi

1/7



CRP.No.217 of 2025

13.V.Ragu
14.M.Manuvelraj
15.R.Murugavel
16.A.Ponnandi
17.S.Muthukumar
18.A.Muthiya Pandian
19.S.Krishnan Kutti.

...Respondents

Prayer : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the fair and final order passed in E.A.No.14 of 2023 in E.P.No.156 of 2013 dated 10.12.2024 on the file of the Additional Labour Court, Coimbatore.

For Petitioner : Mr.Shyam Rohith.P

ORDER

This Civil Revision Petition is filed challenging the order passed on 10.12.2024 in EA.No.14 of 2024 in EP.No.156 of 2013.

2. The brief factual background of the case is that originally an award was passed in favour of the Workmen in I.D.No.221 of 2001 etc. The order dated 30.11.2004 was not complied with by the Management herein. Therefore, the poor Workmen were forced to file a Computation Petition in



CRP.No.217 of 2025

C.P.No.132 of 2012. In the Computation Petition an order was passed on 13.09.2012 computing the benefits. The same also remains only on paper and the Workmen were again forced to file Execution Petition in EP.No.156 of 2013. As it is the burden of any other decree holder, the Execution Petition is again pending for a period of 12 years that portrays the sad picture of the Workmen. The property of the management is attached. Time and again when it was sought to be sold, there were no takers and therefore by the impugned order, the Trial Court has lowered the upset price from Rs.14 Crores and reduced it to Rs.10 Crores. Aggrieved by the same, the Civil Revision Petition is filed.

3. The learned counsel would submit that the due for the Workmen is less than a crore and therefore, for the same, the valuable property of the Management is sought to be brought for sale. The Trial Court did not consider the actual value of the property and erred in fixing the value. He would further submit that the petitioner Management has some financial difficulty, otherwise, it would have made good the amount as claimed by the Workmen also. The petitioner Company is also attempting to find purchasers



and sell the property and settle its dues and only because of the attachment the petitioner company is unable to do the same. Therefore, the learned counsel prays that this Court should entertain the Civil Revision Petition and grant interim relief to the petitioner herein.

4. I have considered the said submissions made along with by the learned counsel for the petitioner.

5. It can be seen that the original award was passed in the year 2004 and already 21 years have gone by after the award was passed. The Management by their various methods, ensured that the Labour law exists in this country only in paper. It is for the Courts to enforce the awards of the Labour Court. None of the contentions on behalf of the chronic defaulter can be entertained at this stage by this Court. Therefore, if the property was not sold for the earlier upset price naturally it is for the Execution Court to lower the upset price. Even if there are no takers for Rs.10 Crores, it can be further lowered also. The very purpose of the Execution Petition is to sell the property and to pay the benefits. It may be a case that the workmen's due was



far less. But it is for the Management to deposit the said amount and upon its deposit, there is no question of further selling the property. The contention that the property attached is only made just for the sake of it as the law is very clear that the attachment will remain in force so long as the claim of the Workmen is not satisfied.

6. Therefore, today also it will be open for the Management to enter into talks with any private purchaser and after receiving the advance if they deposit the money before the Executing Court, automatically the attachment will be raised. Therefore, the attachment cannot come in their way from negotiating with any prospective purchaser. Therefore, the Court should ensure that the auction proceeds on the said day and the amount is realised. The execution proceedings should also be conducted on a day to day basis and ensure that the workmen at some point of time realise the benefits. It is a matter of public policy that the Court should take upon themselves to see to that the orders of Court are complied with and does not remain merely on paper.

7. With the above observations and since there are no merits in



CRP.No.217 of 2025

the Civil Revision Petition and the same stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

29.01.2025

Neutral Citation : No
dna

To

The Additional Labour Court, Coimbatore.



WEB COPY



CRP.No.217 of 2025

D.BHARATHA CHAKRAVARTHY, J.
dna

CRP.No.217 of 2025
and
CMP.No.1429 of 2025

29.01.2025