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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A No. 2851 of 2025

in

A.No.2914 of 2004

in

C.S.No.1242 of 1992

Vikram Singh

No.43, Sembudoos Street,
Chennai 600 001.

Applicant(s)

Vs

1.Hari Singh N Chhabria and another

2.Anitha P.C

Respondent(s)

PRAYER:

This application filed to modify the order dated 18.07.2011 in A.No.2914 of 2004 in C.S.No.1242 of 1992 by permitting the Learned Judge Commissioner - Honble Mr.Justice A.Ramamurthi (Retd) to sell the Item No.2 of Schedule B property to the plaint by means of Private Sale to M/s.Ashok Leyland Limited.



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For Applicant: Mr.R.Parthasarathy,
Senior Counsel
For Mr.Rahul Balaji
For Respondent: Mr.R.Thiagarajan for R2

ORDER

This Application has been filed seeking to modify the order dated 18.07.2011 in A.No.2914 of 2004, whereby the learned Judge Commissioner, Hon'ble Mr. Justice A.Ramamurthi, Former Judge of this Court was permitted to sell the suit schedule properties through public auction.

2.It is contended that the properties had been sold through public auction. But however, one property which had been described as Item No.2 of Schedule - B to the plaint is the subject matter of this application and it is contended that permission should be granted to sell this particular property through private sale to M/s.Ashok Leyland Limited, who is the owner of the adjacent property. It is stated that this would be convenient and it is further contended that the price or consideration offered by the intending purchaser is also equivalent to the price which the parties would obtain even if the property were to be auctioned.



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3. Heard the learned Senior Counsel for the applicant and the learned counsel for the 1st and 2nd respondents. The learned Judge Commissioner is also represented by the counsel.

4. All the parties have consented that this sale could be viable and proper procedure to be followed in sale of the property, which is described as Item No.2 in Schedule – B.

5. Taking all the factors into consideration, this application stands allowed and permission is granted to the learned Judge Commissioner to negotiate with the adjacent land owner, M/s. Ashok Leyland Limited and ensure that adequate consideration is obtained for the property. If the price stated by the learned Judge Commissioner is adequate, if the parties also consent with the said consideration, the learned Judge Commissioner may proceed further with the sale of the property. The learned Judge Commissioner may endeavour to complete the sale on or before 31.08.2025.



6. My attention is also drawn to the fact that, at some point of time,

C.S.No.1242 of 1992 also passed through the office in which I was attached as

junior, but the learned Senior Counsel / counsels stated that the issue now is

totally unrelated and could be adjudicated by me. The statement across the bar

is recorded.

02-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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C.V.KARTHIKEYAN J.

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