



C.R.P.No.2132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2132 of 2025

and

C.M.P.No.12461 of 2025

M/s.United Plantations Limited,
Represented by K.Anand,
Deputy General Manager – Operations,
78, Cheran Towers, Government Arts College Road,
Coimbatore – 641 018.

... Petitioner

Vs.

K.Vasu

... Respondent

Prayer : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the proclamation of sale notice fixing the date of sale as 02.06.2025 in E.P.No.16 of 2018, dated 01.04.2025, on the file of the District Court, Nilgiris, Ootacamund.

For Petitioner : Mr.S.Silambanan
Senior Counsel
for M/s.Waron and Sai Rams



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For Respondent : Mr.R.Bharath Kumar

Advocate Commissioner : Mr.S.Natarajan
(Advocate & Retd. District Judge)

ORDER

Challenge has been made to the proclamation of sale under Order 21 Rule 66 CPC in E.P.No.16 of 2018 on the file of the District Court, Nilgiris at Ootacamund, in an Arbitration Award.

2.The Execution Petition in E.P.No.16 of 2018 was originally filed by the respondent to enforce an Arbitral Award dated 10.08.2016. In the said execution proceedings, the respondent has filed the sale proclamation under Order 21 Rule 66 CPC, fixing the sale on 02.06.2025. Challenging the same, the present revision has been filed.

3.When the matter came before this Court on 19.06.2025, calculation memos were filed by both sides. However, considering the difference in calculation memos filed by both sides, this Court appointed Mr.S.Natarajan, Advocate, who is also a retired District Judge, as Advocate Commissioner, to verify the calculation filed by both sides and file a report.



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4.Today, the learned Advocate Commissioner has filed his report before this Court. He has taken note of the settled legal position of law on the issue of appropriation, as decided by the Hon'ble Supreme Court in the case of ***Gurpreet Singh v. Union of India [(2006) 8 SCC 457]***. The learned Advocate Commissioner has stated in his report that, though the payment of Rs.5,00,000/- dated 21.12.2023 is disputed by the respondent, he has verified the said payment with the Court records and has found that the said payment has been made, for which, the learned counsel for the respondent would submit that they will agree with the learned Commissioner's report. As per the Commissioner's report, a balance amount of Rs.1,69,352/- has to be paid by the revision petitioner.

5.Though it is submitted by the learned Senior Counsel appearing for the petitioner that the deposit of 50% of Award amount made is towards part satisfaction of the Award, this Court is of the view that, unless the appropriation made is as per the settled position in ***Gurpreet Singh's case (supra)*** and as per law, mere observations made by the Hon'ble Division Bench cannot be taken advantage by the revision petitioner. The learned



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Senior Counsel has submitted that they are also inclined to give a quietus to the issue and they require only two weeks' time to deposit the balance amount as pointed out by the learned Advocate Commissioner, i.e., Rs.1,69,352/-.

6. Accordingly, the remaining balance amount as calculated by the learned Advocate Commissioner, i.e., Rs.1,69,352/- shall be paid by the petitioner within a period of two weeks. The Demand Draft for the said amount shall be drawn in the name of the respondent and directly handed over to the respondent. After making such payment, the revision petitioner may approach the Execution Court and the Execution Court, on production of evidence for such payment being made, shall raise the attachment and communicate the same to the concerned registering authorities and terminate the execution proceedings. It is also made clear that a sum of Rs.31,30,194/- deposited by the petitioner before this Court, pursuant to the directions of this Court by order dated 29.05.2025 while granting interim stay in this revision petition, shall be disbursed by the Registry to the respondent, on making proper application. On such application being made, the amount shall be disbursed within a period of two weeks.



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7. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The District Judge,
Nilgiris, Ootacamund.

2. The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.



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