



CRP No. 2676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRP. No.2676 of 2025

Ananthan

... Petitioner

Vs.

1. Santha Ammal

2. Kothandam

3. Chitra

4. Prabakaran

5 Prakash

6. Prabu

... Respondents

Prayer : Civil Revision petition has been filed under Article 227 of the Constitution of India to pass order directing the Subordinate Judge, Panruti, in E.P.No.12 of 2012 in O.S.No.43 of 2007, to confirm the sale of item no.1 to 3, in lot no.I, held on 05.02.2020, in favour of the petitioner and to issue sale certificate within a reasonable time frame fixed by this Court.

For Petitioner : Mr. S. Natarajan,
for Mr. G. Hariharan



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ORDER

The petitioner sought a direction to the Executing Court to confirm the sale conducted in the public auction on 05.02.2020.

2. I have heard the learned counsel for the petitioner and perused the materials available on records carefully.

3. Though the first respondent originally filed a suit in O.S.No.43 of 2007 before the Subordinate Court, Panruti, for specific performance, the Trial Court, by its judgment dated 18.02.2012, decreed the suit for return of advance amount with interest. As a result, the Execution Petition in E.P.No.12 of 2012 was filed by the first respondent to enforce the suit decree. Since the amount has not been paid in time, the property of the judgment debtor was sought to be attached. The Executing Court rightly attached the properties and subsequently conducted public auction, in which the petitioner emerged as the successful bidder.

4. At that stage, the judgment debtor/2nd respondent, has filed an application in E.A.No.33 of 2020 to set aside the auction held on 05.02.2020 on the ground of fraud and irregularity. However, the said application was also dismissed by the Executing Court on 21.12.2021 after



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contest.

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5. Despite the dismissal of the said application, it is the grievance of the petitioner that the auction sale in favour of the petitioner has not been confirmed and sale certificate has not been issued.

6. Hence, the Executing Court is directed to pass appropriate orders, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is disposed of. No costs.

04.07.2025

mrp

To

The Subordinate Court, Panruti.



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N. SATHISH KUMAR, J.

mrp

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