



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 20.11.2025

Order pronounced on : 12.12.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4867 of 2025

& CMP.Nos.27781 & 24567 of 2025

1.Kumaravel

2.P.Moorthy

... Petitioners

Vs.

1.N.Palanisamy

2.Sriram City Union Finance Limited,
Registration Office Door No.123,
Angappa Naicken Street,
Chennai.

Branch Office,
Door No.1, Veterinary Hospital Street,
Erode.

Represented by Authorized Signatory.

3.P.Selvaraj

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decree passed in E.A.No.14 of 2025 in E.P.R.No.29 of 2016 in A.C.P.No.944 of 2014 dated 12.09.2025 on the file of the I Additional District Court, Erode.



For Petitioners : Mr.C.Prakasam

For Respondents : Mr.N.Manoharan

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ORDER

The judgment debtors 2 and 3 in E.P.R.No.29 of 2016 are the revision petitioners.

2.I have heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.N.Manoharan, learned counsel for the respondents.

3.Mr.C.Prakasam, learned counsel for the petitioners would contend that the property of the petitioners was auctioned, pursuant to an award in arbitration proceedings, initiated by the 2nd respondent and the 1st respondent, successful auction purchaser has purchased the property worth more than Rs.1.5 crores for a throw away price of Rs.27,10,000/- and the sale also came to be confirmed on 05.04.2024. He would further state that it is a clear case of collusion and there was no fair auction conducted, after giving wide publicity. He would further states that the petitioner is willing to settle the entire dues of the 2nd respondent/Finance Company, together with interest up to date and also costs and he would therefore pray for an

2/8



indulgence to be given to the petitioner to recover his valuable property.

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4.Per contra, Mr.N.Manoharan, learned counsel appearing for the respondents would submit that the award came to be passed in ARC proceedings even on 29.09.2015 for recovery of Rs.19,16,044/-. Subsequently, on 13.04.2016, E.P.No.29 of 2016 was filed for recovery of Rs.23,47,154/-. The ex-parte attachment order was passed on 04.10.2015, however, subsequently, on 26.10.2016, though the ex-parte order was set aside, once again, it was attached on 08.02.2017 and steps were taken to bring the property for sale. The Court had fixed an upset price of Rs.29 lakhs, by order dated 05.03.2018 and sale was fixed on 08.11.2018. However, there were no bidders and hence, on 30.01.2020, the upset price was reduced to Rs.27 lakhs.

5.The learned counsel for the respondents would further state that even at that point of time, the petitioners had filed E.A.Nos.2 and 4 of 2021 to adjourn the sale. However, finally on 20.10.2022, the auction sale was held and the 1st respondent was the successful bidder, who has deposited the entire sale consideration and the sale was also confirmed on 05.04.2024. He would also submit that the judgment debtors had filed E.A.No.9 of 2022,

3/8



seeking to set aside the sale under Order XXI Rule 90 of CPC and the said application was also dismissed on 05.04.2024, after even evidence being recorded in the execution proceedings. The said order was challenged in

CMA.No.2116 of 2024 by the 2nd judgment debtor and CMA also was dismissed by this Court on 08.08.2024. It is only thereafter that the sale certificate was issued in favour of the 1st respondent.

6.The learned counsel for the respondents would further state that thereafter the 1st respondent filed E.A.No.14 of 2025 for delivery of possession and the same was allowed on 12.09.2025 and possession of the property was delivered by the Court bailiff to the 1st respondent on 26.09.2025 and only thereafter interim stay was granted in the above revision petition. He would therefore state that there is absolutely no merit in the revision petition and consequently prays for dismissal of the same.

7.I have carefully considered the submissions advanced by the learned



counsel on either side.

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8. The petitioners have participated not only in the arbitration proceedings, but also in the execution proceedings and the upset price was fixed only in their presence and it was also reduced subsequently in their presence alone. The petitioners also attempted to seek adjournment of the sale on two occasions. However, ultimately, the 1st respondent purchased the subject property in the Court auction held on 20.10.2022. The sale was attempted to be set aside in E.A.No.9 of 2022, however, unsuccessfully not only before the executing Court, but also before this Court in CMA.No.2116 of 2024. The auction purchaser has also taken possession of the subject property and at this juncture, it is not open to the revision petitioners to challenge the order of delivery of possession, as being against law.

9. In any event, even before the revision was moved by the petitioners, the auction purchaser has taken possession of the property and viewed from this angle, nothing survives for consideration in this revision. However, considering the fact that stay was granted on condition, the petitioner deposits a sum of Rs.3 lakhs to the credit of the I Additional District Court, Erode and the said condition has also been complied with, the petitioners are



at liberty to seek payment out of the said amount. In view of the dismissal of this revision petitioner, any application filed by the petitioners shall not be opposed by the respondents and on a formal application for payment out being filed, the said application shall be entertained, allowed and the Court shall ensure that the amount of Rs.3 lakhs is returned to the revision petitioners at the earliest.

10. In the light of the above, the Civil Revision Petition is dismissed.

No costs. Connected Civil Miscellaneous Petitions are closed.

12.12.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To
The I Additional District Court, Erode.



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P.B. BALAJI,J.

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Pre-delivery order made in
CRP.No.4867 of 2025
& CMP.Nos.27781 & 24567 of 2025

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