



C.R.P.(MD)No.3631 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.3631 of 2025

and

C.M.P.(MD)Nos.19229 of 2025, 1269 and 4816 of 2026

M/s.Mahalakshmi Textile Mills Limited,
Represented through its,
Managing Director,
Mr.L.Alagusundaram,
Door No.6A, Vallabhai Road,
Chokkikulam,
Madurai – 625 002.

... Petitioner

vs.

M/s.S.V.Krishnarama Raja & Firm
Cotton Sales Company
through its Partners,
Cotton Market,
Rajapalayam.

1.P.Govindaraja

2.V.K.Arjuna Raja

Kaliammal (Died)

3.Sasikala

4.M.Peter

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the execution petition in E.P.No.315 of 2000 in O.S.No.421 of 1982 on the



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file of the I-Additional Sub Judge, Madurai and declare as void by allowing this Civil Revision Petition.

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For Petitioner : Mr.A.L.Somayaji
Senior Counsel
For Mr.T.Balaji

R-1 : Deceased

For R-2 & R-3 : Mr.S.Venkatesh
For Mr.A.Sivaji

For R-4 : Ms.Chithra Sampath
Senior Counsel
For Mr.R.V.Rajkumar

ORDER

Heard Mr.A.L.Somayaji, learned Senior Counsel for Mr.T.Balaji, appearing for the Civil Revision Petitioner. Mr.S.Venkatesh representing Mr.A.Sivaji, for the Respondents 2 & 3 and Ms.Chithra Sampath, learned Senior Counsel for Mr.R.V.Rajkumar, for the 4th Respondent.

2. The Civil Revision Petitioner is the defendant in the suit and the judgment debtor in E.P.No.315 of 2000.

3. O.S.No.421 of 1982 is a suit for recovery of money. In the said proceedings, the suit schedule-mentioned property was attached. The extent of the property is about 10 acres. The amount claimed in the suit was about Rs.1,12,333.63/-. An ex parte decree was passed

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in the suit on 18.06.1997. On 02.08.2000, an application for sale of the attached properties was presented. Curiously enough, the extent of the property, which was the subject matter of attachment, was increased from about 10 acres to 13.96 acres. The remaining 3.96 acres or thereabouts, belonged to M/s.ICICI Bank, which had purchased the same under a securitisation sale.

4. The property was initially valued at Rs.50,00,000/-. The upset price was reduced step by step on 07.11.2002, 20.04.2004, 29.07.2005 and finally on 06.12.2007 to Rs.25,00,000/-. To make it clear, in 2002 the property was valued at Rs.50,00,000/- by the Court, but it was brought for auction in 2007 for an upset price of Rs.25,00,000/-. The 4th respondent herein, purchased the property for Rs.25,00,500/- on 25.08.2008. The sale was also confirmed on 31.10.2008.

5. After the confirmation of sale, on 14.08.2009, the entire amount due under the decree till that date, namely Rs.4,80,270/-, was deposited to the credit of the execution petition.

6. In the meantime, several other collateral proceedings in the form of Writ Petition in W.P.No.1476 of 2005, W.A.No.720 of 2008 and

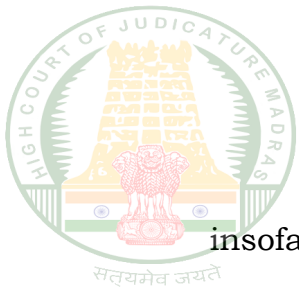


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S.L.P.(C)No.3771 of 2013 took place. Certain directions were given by this Court in the writ petition. It is the plea of the judgment debtor that the directions given in the writ petition were not complied with.

7. Applications were filed before the Executing Court by the 4th respondent to take delivery of the property. The Court ordered symbolic delivery. An application was filed not to record the delivery and to recall the same. The delivery order was also recalled pending disposal of the execution applications. Finally, the matters came up before this Court in a revision in C.R.P.(MD)No.1840 of 2010. The Hon'ble Mr. Justice G. Rajasuria directed the Executing Court to take up all the applications and dispose of the same within a fixed period. He recorded that the delivery had been taken, but directed the parties to maintain *status quo*.

8. Just prior to the revision, the Commercial Taxes Department filed an application challenging the auction. Similarly, M/s.ICICI Bank also filed an application under Order XXI Rule 90 of the Code of Civil Procedure challenging the sale of the property owned by it in the auction sale held for the debt of the judgment debtor. Initially, the Executing Court set aside the sale in its entirety. Thereafter, in a Civil Miscellaneous Appeal, the learned District Judge set aside the same



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insofar as the properties for which M/s.ICICI Bank had claimed title and upheld the sale with respect to the properties belonging to the judgment debtor. All these had taken place pending an application filed under Section 47 of the Code of Civil Procedure in E.A.No.165 of 2013.

9. It was represented by Mr.A.L.Somayaji, learned Senior Counsel appearing on behalf of T.Balaji, that the learned Executing Judge had adjourned the matter *sine die* and had not taken up the application for enquiry at all. Having been left with no other option, despite repeated attempts, the present revision has been preferred under Article 227 challenging the very process of sale itself.

10. Ms.Chitra Sampath, learned Senior Counsel appearing for Mr.R.V.Rajkumar opposed the revision, stating that the sale having been concluded on 31.10.2008, it is not open to the judgment debtor to file an application under Section 47 in the year 2013.

11. I have carefully considered the arguments of both sides. I have gone through the records.



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12. I was surprised that an E.A filed in the year 2013 had been adjourned *sine die* without any disposal. Hence, I called for the entire records relating to E.P.No.315 of 2000 on the file of the I-Additional Subordinate Judge at Madurai. In compliance with the direction, the learned Subordinate Judge has sent the entire records.

13. A perusal of the records vouchsafe the statement made by Mr.A.L.Somayaji. E.A.No.117 of 2013 had been taken on file by the Court on 02.03.2013. The matter was listed for the cross-examination of P.W.1 on several dates starting from 10.04.2013 till 03.06.2013. On that date, the matter was adjourned to 22.07.2013. As the Judge was on casual leave on 22.07.2013, the matter was re-posted to 25.07.2013 and thereafter, it was not taken up at all.

14. Insofar as Section 47 application preferred by the Civil Revision Petitioner is concerned, it was taken on file by the Court on 25.03.2013. Thereafter, it had been adjourned from 01.04.2013 onwards till 05.09.2013 for a counter to be filed by the 4th respondent herein. Thereafter, even that application was not taken up for disposal. This shows that, while keeping Section 47 application pending, the Executing Court proceeded further with the other processes of execution.



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15. The application under Section 47 referred to above ought to have been disposed of by the Executing Court. Though several contentions have been raised by Mr.A.L.Somayaji and Ms.Chitra Sampath, I am of the view that, in the first instance, it is better that the Executing Court applies its mind and disposes of all these applications rather than this Court, for the first time, dealing with the issues raised by the judgment debtor as well as the auction purchaser.

16. Hence, there shall be a direction to the learned I Additional Subordinate Judge, Madurai, to take up the application under Section 47 filed by the Civil Revision Petitioner as well as any other applications filed by other parties challenging the sale in which the 4th respondent is the auction purchaser. The applications have been pending for a decade and three years. Hence, the learned Judge is requested to bestow utmost attention on those applications and ensure that at least two effective hearings per week are afforded to the applications.

17. Mr.R.V.Raj Kumar represents that he will go on record by filing a counter in E.A.No.165 of 2013 within a period of two weeks



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from today. His statement is recorded.

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18. Both the parties are directed to appear before the learned Subordinate Judge, Madurai on **11.06.2026**. On that date, the learned Subordinate Judge, Madurai is requested to take up the application and grant time to the auction purchaser to file a counter till **18.06.2026**, and thereafter comply with the directions issued in this order.

19. In any event, the application under Section 47 shall be disposed of within a period of **four months from 18.06.2026**.

20. It is made clear that this Court has not gone into the merits of the contentions raised, either by the judgment debtor or by the auction purchaser. It is for the Executing Court to deal with each and every issue raised by the parties. Both parties are entitled to raise all the pleas available to them.

21. While modifying the order of injunction obtained by the Civil Revision Petitioner, this Court directed the auction purchaser not to further alienate the property. The said order shall continue pending disposal of E.A.No.165 of 2013.



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22. With the above direction, this Civil Revision Petition is **disposed of**. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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Note: Registry is directed to forthwith sent the entire records to the file of the I-Additional Subordinate Judge, Madurai so as to enable to comply the order of this Court.

To:

The I-Additional Sub Judge, Madurai.



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V.LAKSHMINARAYANAN, J.

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