

IN THE COURT OF MUNSIFF, KOTHAMANGALAM

Present: Sri Ganesh Kumar M S, Civil Judge (Junior Division)

Monday, the 18th day of August, 2025/27th Sravana 1947

EA No.08/2025 in EP No.188/2024 in ARC No. 451/2021

Applicants/
Judgment
Debtors:-

- 1 Chikku Sunil, aged 29 years, D/o. Sunil Issac, Thekethottiyil House, Paingottoor Kara, Kadavoor Village, Kothamangalam Taluk.
- 2 Sunil Issac, aged 54 years, S/o. Issac, Thekethottiyil House, Paingottoor Kara, Kadavoor Village, Kothamangalam Taluk.
- 3 Sophy Sunil, aged 51 years, W/o. Sunil Issac, Thekethottiyil House, Paingottoor Kara, Kadavoor Village, Kothamangalam Taluk.

By Advs. M/s. Jijo Joseph and Eldhose Varghese.

Respondent/
Decree Holder:- The Kadavoor Service Co-Op Bank Ltd No.1882, represented by its Secretary, Nominee Johns, W/o. Biju Thomas, Chettiyamkudiyil House, Paingottoor Kara, Kadavoor Village, Kothamangalam Taluk.

By Advs. M/s. Gigi Peter, Sidharth S Nair.

This petition is coming on for final hearing on 31.07.2025 in the presence of counsel for both sides and on 18.08.2025 the court passed the following :-

ORDER

1. The petition is filed by the judgment debtors to review the order dated 27.06.25 under section 151 of CPC,1908.

2. **The averments contained in the petition, in brief, are as follows:-** The petitioners are the judgment debtors in the above case. They received notice as per Order XXI Rule 22 of CPC. The Bank assured that they will not proceed against the petitioners herein. Hence, they did not appear before the court and thus the court has passed an order setting them exparte on 15.11.2024. The sale proclamation is not in accordance with law. Hence, it is liable to be reviewed. Thus, the petition.

3. No objection was filed by the judgment debtors.

4. From the above, the following points came up for consideration:-

I. Whether the petition is liable to be allowed or not?

II. What shall be the order?

5. Heard and perused the records.

6. **Point Nos.I and II:-** For the sake of brevity and convenience these points are considered together. The petition is filed to review the order dated 27.06.2025. On 27.06.2025, this court has directed the property of the judgment debtor to be sold for an amount

of Rs.5,00,000/-. In the sale proclamation the court has failed to comply the mandate as is envisaged under Order XXI Rule 66 (2) (c) of CPC, 1908, which is a belated error committed from the part of this court. It is an error apparent on the face of the record. If the order is not reviewed, the same would cause confusion among the prospective buyers and it is also a procedural irregularity which would vitiate the sale. Thus, the said order is liable to be dismissed.

In the result, the petition is allowed. In other words, the order dated 27.06.2025 is hereby recalled.

(Dictated to the Confidential Asst., typed by her, corrected and pronounced by me open court on this the 18th day of August, 2025)

Sd/-

Ganesh Kumar M S
Civil Judge
(Junior Division)

APPENDIX: NIL

Id/-

//True copy//

Civil Judge
(Junior Division)

Civil Judge
(Junior Division)