

**IN THE COURT OF THE SUB JUDGE, KATTAPPANA
PRESENT:- SHRI. ARAVIND B. EDAYODI, SUB JUDGE**

Wednesday, the 5th day of November, 2025 /14th day of Karthika, 1947

E.A. 197/2025 in E. P. 19/2021 IN O.S. 02/2018

**Petitioner/
2nd Judgment Debtor** : George Jacob, aged 61 years, S/o Chacko,
Valiyapadinjarathil House, Kattappana P.O,
Kattappana Village, Udumbanchola Taluk,
Idukki District.

(By Adv. Jiby Sebastian)

**Respondent/
Decree Holder/
Judgment Debtors 1 and 3**

1. Vadakkemuriyil Finance Company: (India) Ltd., represented by Managing Director, Anu T. George, aged 61 years, S/o. George Varghese, Vadakkemuriyil Veetil, Kuriyannoor Muri, Thottappuzhassery Village.
2. James Mathai, aged about 73 years, S/o Mathai Chacko, Mannuthara House, Kattappana P. O, Kattappana Village, Udumbanchola Taluk, Idukki District.
3. Suku P.K, aged about 62 years, S/o Bhaskaran, Kavunkal House, Karikalam P. O., Ranni Village, Ranny Taluk.

(By Adv. Siby Scaria for R1

No Vakkalath for R2 & R3)

This Petition is filed Under Order 21 of the Civil Procedure Code and coming before me for hearing on 05.11.2025 in the presence of the above counsel and the court on the same day passed the following:-

ORDER

This is an application filed by the 2nd Judgment Debtor under Order XX1 Rule 90 and Sec.151 of the Code of Civil Procedure to set aside the sale held on 28/07/2025 on the ground of fraud and materiel irregularity. The decree holder and remaining judgment debtors are the respondents.

2 According to the petitioner, without considering his objection, the property worth Rs. 25,00,000/- (Rupees Twenty Five Lakh Only) was sold for Rs. 10,00,100/- (Rupees Ten Lakh and One Hundred Only) to the decree holder. It could be avoided if a proper reserve price was fixed. The property was sold without any paper publication and ignoring the fact that the property was scheduled in IP 03/2022. The sale done without much publicity amounts to fraud. In the above circumstance the petitioner sought to set aside the same.

3. Respondent/decreed holder filed objection stating that the grounds stated in the application is false and the petitioner raised the grounds, without raising the above grounds before settling the sale proclamation though he could have taken. Hence the petition is liable to be dismissed.

4. The remaining respondents did not file objection.

5. Heard both sides.

6. Now the point that arose for consideration is:-

1. Is the petitioner entitled to an order setting aside the sale, as that sought for?

7. Just because that the property was sold for a lesser amount it could not be said that the sale was vitiated by material irregularity or fraud. As per Order XX1 Rule 90 (3) CPC, the petitioner is estopped from raising any ground, which could have taken on or before the date on which proclamation of sale was drawn up. Hence the petitioner is estopped from the raising the remaining contentions for setting aside the sale, by showing that property was sold for a lesser amount because of lesser publicity. The petitioner could not prove that the sale is to be set aside on the ground of fraud or irregularity. I find the point against the petitioner.

In the result:-

The petition is dismissed.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 05th day of November 2025.

**ARAVIND B EDAYODI
SUB JUDGE, KATTAPPANA**

APPENDIX : NIL

SUB JUDGE, KATTAPPANA

Typed by : Sheena
Compd. by : Mahesh

***Order in
E.A. 197/2025 in E. P. 19/2021
Dated: 05.11.2025***