

IN THE COURT OF THE MUNSIFF, PEERMADE

PRESENT: SHRI. KARTHIK SARANGAN, MUNSIFF

Thursday the 23rd day of January, 2026 / 2nd day of Magha, 1947.

E.P. No. 36/2025 IN Award No. 430/2022

Decree Holder:- The Kokkayar Service Co-Operative Bank Ltd. No. 3267, Narakampuzha, Koottickal P.O., Pin – 686514, represented by The Secretary, Shemina N. I., W/o Abdul salam, Nedumpurath House, Narakampuzha Kara, Kokkayar Village. Peermade Taluk.

By Adv. Baby Joseph & Adv. Ajas K Kabeer

Judgment Debtor:- Manoharan, aged 53, S/o Damodharan, Poovankal House, Wembly Kara, Kokkayar Village, Peermade Taluk.

By Adv. A. S. Sebastian

This Execution Petition is filed under section 76 (a) of the Kerala Co-Operative Societies Act 1969 and order 21 Rule 10 & 11 of the Code of Civil Procedure, and coming on for final hearing before me on 23.01.2026 in the presence of the above counsel for Decree Holder's side and the court on the same day passed the following:

ORDER

This is a petition filed under Section 51(b) read with Order 21 Rule 66 of the Code of Civil Procedure for the settlement of the proclamation of sale.

1. The petitioner/Decree Holder has obtained a decree for an amount of ₹ 3,07,815/- and has filed this petition to realize the amount by the sale of property owned by the Judgment Debtor.

2. The Property sought to be sold is situated in **Survey No. 130** of Kokayar Village, having an extent of **27 Ares 11 Sq.m.** (0.27.11 Hectares).
3. Notice under Order 21 Rule 54 was served on the Judgment Debtor on **06.06.2025**.
4. Heard the Decree Holder and perused the documents, including the Draft Sale Proclamation and Valuation Certificate.
5. The Decree Holder has stated a value of **₹ 7920 per Are** (as per draft). **Fair Value Certificate** shows varying fair values based on classification:
 - Residential property with public road access: **₹ 79,200/- per Are.**
 - Residential property with private road access: **₹ 47,520/- per Are.**
 - Property without road access: **₹ 7,920/- per Are.**

6. The property description in the draft proclamation specifically notes the existence of **improvements** thereon. This suggests the land is not merely an inaccessible tract but has residential or agricultural utility. In the absence of specific evidence regarding the road access type, and to safeguard the Judgment Debtor's interest, the Court accepts the **highest valuation** of **₹ 79,200/- per Are** for the purpose of settlement.

7. It is settled law that only so much of the property as is necessary for the satisfaction of the decree can be sold in execution.

Decree Debt: ₹ 3,07,815/-.

8. Total Property Value: Based on the accepted rate (27.11 Ares × ₹ 79,200), the total value exceeds ₹ 21 Lakhs. The value of the entire property

far exceeds the decree debt. Selling the entire 27 Ares for a debt of ₹ 3 Lakhs would be materially irregular.

5 Ares X ₹ 79,200 = ₹ 3,96,000/-

9. This amount is sufficient to satisfy the decree debt of ₹ 3,07,815/- along with future interest and the costs of the sale.

In the result, the Proclamation for sale is settled as follows:

- **Property to be Sold:** An extent of **5 Ares** from the property situated in Survey No. 130 of Kokayar Village.
- **Upset Price:** Fixed at ₹ **4,00,000/-**.
- **Valuation:** The proclamation shall show the valuation of ₹ 79,200/- per Are.
- **Direction:** The Decree Holder shall file a fresh schedule describing the specific 5 Ares to be sold.
- The proclamation is to be published as per Order 21 Rule 67.

Dictated to the Dictation software, typed by it, corrected by me and pronounced in the open Court on this day, the 23rd day of January, 2026.

Sd/-
KARTHIK SARANGAN
MUNSIFF

APPENDIX : NIL

Sd/-
KARTHIK SARANGAN
MUNSIFF

//True Copy//

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