

IN THE COURT OF THE SUB JUDGE, PALA

Present:- Smt. Rajasree Rajgopal , Sub Judge

Friday 15th day of November, 2025

24th day of Karthika, 1947

EA No. 5/2025

in

EP No. 76/2022 in ARC No.1122/2017

Decree Holder:-

Narayanan, aged 81 years, S/o Ettindan,
Kizhakkemuppath house, Kizhathiri Kara,
Ramapuram Village, Meenachil Taluk.

By- Adv. Joseph T John.

Judgment Debtor:-

Ramapuram Regional Service Co-
Operative Bank Ltd. No. 4111.

By - Adv. Amal Vincent.

This Petition is coming up for consideration on 15.11.2025 and the court on the same day passed the following:-

ORDER

The judgment debtor has filed this application requesting that an Advocate Commissioner be appointed to re-assess the value of the property brought to sale in E.P. No.76/2022, on the basis of certain sale deeds registered in the Ramapuram Sub Registrar Office. The prayer is, in essence, for re-determination of the upset price already fixed in the execution proceedings.

2. The records show that the sale proclamation was settled after hearing both sides, and that the property has already been posted for sale in

accordance with the decree. The judgment debtor had sufficient opportunity to raise objections at the time of settling the sale proclamation but failed to do so. The present application is filed only after the sale was notified.

3. Once the sale proclamation is settled, the Court may reopen valuation only if the JD establishes: a clerical or arithmetical error, a material irregularity apparent on the face of the record, or fraud in fixing the upset price. The petitioner has not pleaded or established any such ground.

4. The documents relied on by the petitioner relate to other properties and cannot be a basis to revise the valuation fixed for the auction property. Merely comparing isolated sale deeds does not constitute a valid ground for reopening the proclamation. The prayer for appointment of an Advocate Commissioner at this belated stage is clearly an attempt to delay the execution.

5. The Honourable Supreme Court and Kerala High Court have consistently held that valuation objections raised after sale notification are not maintainable. (See *Joseph v. Kerala State Co-operative Bank*, 2010 (2) KLT 926; *Sivakumar v. K.M. Joseph*, 2015 (4) KLT 720.) This Court finds no reason to depart from the settled principle.

6. In the above circumstances, the application is found to be devoid of merit, highly belated, and intended only to obstruct execution. Hence it is liable to be dismissed.

In the result, the application is dismissed. No order as to costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 15th day of November, 2025.

Sd/-

Rajasree Rajgopal
Sub Judge

APPENDIX: Nil

Id/-

Sub Judge

Typed by: Sindhu

Compd by: Manju

Rajasree Rajgopal
Sub Judge