

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. 4/2025

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

This petition is filed by the judgment debtor seeking to re-determine and revise the estimated value of the auction property covered by the sale proclamation issued in E.P. No.76/2022. The petitioner relies on certain recent documents said to be registered in the Ramapuram Sub Registrar Office, wherein other plots are valued at a higher rate, and prays that the upset price fixed earlier be reviewed.

2. The execution petition has been pending from 2022 onwards. The sale proclamation was settled after hearing both sides, and the property has already been twice posted for sale. The present petition has been filed only after two sale postings, and at a stage where the execution has reached an advanced stage.

3. The power of this Court to revise the upset price after settlement of the sale proclamation is extremely limited. Once the upset price is fixed after hearing, and the sale proclamation is drawn, the same cannot be reopened unless there is:

A clerical or arithmetical mistake, or A material error apparent on the face of the record, or A fraud or suppression at the time of valuation. The petitioner has not pleaded or proved any such circumstance.

4. The documents now relied upon by the petitioner relate to transactions of different properties and cannot form the basis to reopen the upset price already fixed. Further, the petitioner remained completely silent when the sale proclamation was settled, and raised no objection at that time. The present petition, filed after two sale postings, is clearly belated and appears intended only to delay the execution.

5. The Honourable Supreme Court and the Kerala High Court have repeatedly held that valuation objections raised after the sale is notified or repeatedly adjourned are not maintainable. (See: Sivakumar v. K.M. Joseph, 2015 (4) KLT 720; Joseph v. Kerala State Co-op. Bank, 2010 (2) KLT 926.)

6. The judgment debtor has not produced any valuation report from an approved valuer, nor has he established that the valuation earlier fixed was incorrect or fraudulent. The mere reference to other sale deeds in the SRO does not justify reopening the sale proclamation.

7. In the above circumstances, this Court finds that:- The petition is highly belated; No sufficient cause is shown to revise the upset price; No error, fraud, or material irregularity is established; The petition is clearly intended to delay the execution proceedings. Hence, the petition is liable to be dismissed.

In the result, the petition 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