

**IN THE COURT OF JUDGE,
COMMERCIAL COURT
(DISTRICT JUDGE CADRE),
COIMBATORE**

E.P. No.194 of 2024
(CNR No.TNCB22-000482-2024)

Petitioner / Decree Holder

M/s. Aquatex Engineering,
rep. by its Managing Partner
R.Kumaravelu

// Vs //

Respondents / Judgment Debtors

1. M/s. Real Link Engineering India Pvt. Ltd., Rep. by its Managing Director L.Navaneethakrishnan,
2. L.Navaneethakrishnan,
Managing Director of M/s. Real Link Engineering India Pvt. Ltd.,

ORDER DATED 05.03.2026

(ON MEMO OF OBJECTION)

1. In pursuance of issuance of Sale Notice the respondents / judgment debtors have filed the objections. It is mentioned by the respondents in the memo of objection that the main suit has been filed by the petitioner / decree

holder for the relief of specific performance with alternative relief of refund of advance sale consideration of Rs.19,52,05,899/- and submit that the Execution Petition also has been filed by the petitioner / decree holder to sell the suit property to the total extent of 6.683 Acres in Appanaickenpatti Village, Sulur Taluk for realization of a sum of Rs.19,52,05,899/- and submit that on 07.02.2026 the Sale Notice was ordered by this Court. Further, it is submitted by the respondents that the description of the property mentioned by the petitioner in the petition is not correct and submit that the third party is in exclusive possession and enjoyment right from the date of purchase till today. Further it is mentioned by the respondents that the schedule mentioned property subsequently underwent sub division and is at present sub-divided as S.F. No.412/1B1B, with Patta No.3253 for the Schedule property and further it is mentioned

that from the description of property found in the Decree passed in C.OS.No.110 of 2023, it is found that a charge has been created over the lands in S.F.150.412/1B and 412/ID, among other survey fields. It is further mentioned by the respondents that the extent of 5.683 Acres comprised in S.F.Nos. 404/2A, 404/ 3, 404/2C, 404/2D, 412/IB and 412/ID in Appanaickenpatti Village, Sular Taluk is now the subject matter of this Execution Petition. It is the submission of the respondents that 2.50 Acres of land comprised in S.F.No.412/ IBIA in Appanaickenpatti Village, Sular Taluk, and 0.25 Acres of land in S.F.No.412/ IBIB in Appanaickenpatti Village, Sular Taluk, Coimbatore belongs to third parties and mentioned that the third parties are Husband and Wife and the third parties are mentioned to have purchased the total extant of 2.50 Acres of land, within specified boundaries in S.F.No.412 at

Appanaickenpatti Village from one A.Selvaraj under a registered Sale Deed dated 22.03.2012 and registered as document No.4512 of 2012 on the file of the Sub Registrar Office at Sular for a valuable consideration of Rs.33,00,000/-. The respondent further state that the third parties are in exclusive possession and enjoyment of the part of the schedule property right from the date of purchase and till date. Further it is the submission of the respondents that the schedule mentioned property subsequently underwent sub division and mentioned that it is at present sub divided as S.F.No.412/IBIA in Patta No.3252 for the schedule property which has been issued in the joint names of the third parties. Further it is mentioned that the lands in S.F.No.412 in Appanaickenpatti Village do not belong to respondents and therefore, the Charge which amounts to attachment is a nullity, Void and illegal and submit that the property

is not liable to charge or attachment. The respondents submit that the above execution petition filed for sale of charged property is nullity and sought for to cancel the Sale Notice passed by this Court.

2. The petitioner / decree holder has come up with the counter objection that the objection raised by the respondents / judgment debtors is not sustainable and submit that the very same objection has been raised by one of the third party Mr.Srinivasan and another to effect that only they have the right over S.F.No.412 and the application was returned at the threshold. Further it is also submitted by the petitioner that it is the respondents / judgment debtors who represented for the petitioner / decree holder with regard to his right, title and interest over the properties covered under the decree including S.F.No.412/1B1A corresponding to Patta No.3252 and submit that only on the basis of those representation, the petitioner / decree holder

contracted with the respondents / judgment debtors and it is culminated into a decree of charge. The petitioner / decree holder was able to demonstrate enforceable rights in respect of all the lands which are subject matter of suit and that is why the same ended in a decree and submit that the process of execution cannot be stalled on the basis of untenable claims.

3. This Court has considered the submission and rival submission on both sides and considered that whether the objections raised by the respondents / judgment debtors is tenable? Admittedly there is a decree of this Court and the Execution Petition has also been filed on the basis of the decree. This Court has also passed the decree by creating Charge over the petition mentioned properties. Since the decree is in force over the petition mentioned properties by creating charge. Now the respondents / judgment debtors asserting right for third party in the

considered view of the Court could not be looked into at this stage in this execution proceedings.

4. Morefully the respondents / judgment debtors have not come up with any particulars showing that the appeal has been preferred nr the execution of decree is stayed by the Hon'ble appellate court. Under the above the circumstances, this Court being an Executing Court and in the Sale Notice proceedings, the question regarding the validity of the charge created over the some portion of the property in the decree cannot be gone into. **Hence, this Court is of considered stand that the objection raised by the respondents / judgment debtors is not sustainable and the objection is over ruled.**

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore