

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE,
DINDIGUL.

PRESENT : **THIRU. A.K. MEHBUB ALI KHAN, B.L.M., LL.M.,**

PG.D.PM/IR.,

ADDITIONAL DISTRICT JUDGE, DINDIGUL.

Thursday, the 29th Day of August 2024

E.A. No.4/2023

-in-

E.P. No.44/2019

The Cotton Corporation of India Limited,
Coimbatore, represented by it's Dy. General Manager

... Petitioner/Plaintiff

-Vs-

M/s. Govardhan Spinners,
Chennai, represented by it's Managing Director

... Respondent/defendant

This petition came on 09.08.2024 before this Court for hearing in the presence of Thiru.P. Dhandapani, Advocate for the petitioner, Respondent called absent and set exparte and hearing arguments on the side of petitioner and upon perusal of records this Court delivers the following :

ORDER

1. Petition filed by the petitioner/decreed holder Under order 21, Rule 66 r/w CRP Rules 199 (1) and Section 151 of C.P.C. seeking orders to reduce the upset price from Rs.30,00,000/- to Rs.20,00,000/-.

2. **The case of the petitioner in brief :**

The petitioner is the plaintiff and decree holder in the suit. He has filed the E.P. to recover the award amount by bringing the petition mentioned properties for sale. This court has passed order of sale of petition mentioned property on 01.02.2023 for Rs.30,00,000/- but no bidder has come forward to buy the property in auction sale, since the upset price fixed is too high. Unless the said upset price is reduced as prayed, the decree holder would be put to irreparable loss and hardships. Therefore, the petitioner prays to reduce the upset price from Rs.30,00,000/- to Rs.20,00,000/- and conduct re-auction for the sale of the petition mentioned property.

3. The respondent has not appeared before this Court and did not file any counter and was set exparte on 14.06.2024.

4. **Point for consideration in this petition is,**

Whether the petition be allowed ?

5. **Answer to Point:**

The respondent has not appeared before this court. This court has passed an order of sale of petition mentioned property on 01.02.2023 for Rs.30,00,000/-. However, since there were no bidders on 01.02.2023,

considering the request made by the petitioner and also considering that the respondent has not objected the grounds raised by the petitioner, this court deems it appropriate to reduce the upset price from Rs.30,00,000/- and fix the same at Rs.28,00,000/-. The petitioner is directed to take effective steps to issue proper proclamation and also take effective steps to make many number of prospective purchasers to participate in the court auction sale by sufficient publicity. This point is decided accordingly.

In the result, this petition is allowed without cost and the upset price is reduced from Rs.30,00,000/- to Rs.28,00,000/-.

Dictated to the stenographer, transcribed and typed by her in computer, corrected and pronounced by me in the Open Court on this the 29th day of August 2024.

Additional District Judge,
Dindigul.