

IN THE COURT OF THE PRINCIPAL SUB JUDGE, PALANI

**Present : Tmt.K.Renugadevi, LL.M.,
Principal Sub Judge, Palani.**

Dated 08th day of April 2025, Tuesday

E.A.No.1/2024

in

E.P.No.45/2020

in

O.S.No.95/2016

Parvathy ... Petitioner/Petitioner/Plaintiff
/Vs/

Chinnammal ... Respondent/Respondent/Defendant

This petition came up before me for final hearing on 26.03.2025 in the presence of Mr.A.R.Rajendran, Learned Counsel for the Petitioner, Mr.M.Sathyamurthy, Learned Counsel for the respondent and upon perusal of records and having stood over for consideration till this date, this court doth delivers the following

ORDER

The petitioner is the decree holder has filed this application permitting him to participate in the court auction sale under Order 21, Rule 72 and Section 151 of CPC.

1. The petitioner is the decree holder has filed this application permitting him to participate in the court auction on the allegation that he has obtained a favourable decree for money on 29.11.2019 and thereafter execution petition was filed for recovery of decree amount. And the petition mentioned property was brought for

court auction sale on 10.01.2024. As there is encumbrance in the petition schedule property third persons have not come forward to participate in the court auction sale on apprehension that the defendant would create problems and so sought to allow the petition permitting him to take participate in the court auction for realising the decree amount.

2. For which the respondent/defendant has filed counter stating that Order 21 Rule 66 application was not filed to reduce the upset price and it is false to state that third persons have not come forward to participate in the court auction sale due to the fact that the respondent would create problem. In fact the petitioner obtained three documents on 14.03.2014 and filed different suits on the basis of those documents and the security document executed by the respondent in favour of the petitioner is reflected in the encumbrance certificate but the same was not disclosed before this court and due to that encumbrance third persons are not participating in the court auction sale and so sought to dismiss the application.

3. On perusal of the execution petition it is seen that on 12.01.2024 the sale warrant was returned as “no bidders” and so the petitioner filed this permission petition under Order 21 Rule 72 permitting him to participate in the court auction proceedings and also filed petition to reduce the upset price under Order 21 Rule 66(2) which was returned on 23.10.2024. Hence the petitioner is entitled to participate in the court auction proceedings and there is no bar in it and the grounds raised by the respondent/Judgment debtor that the petitioner has filed different documents on the

same date is not a ground to dismiss this application. And those are the points that ought to have been raised in the suit and not in this petition. And so this court inclined to allow this application.

In the result, this petition is allowed.

Dicated to the Steno-Typist, transcribed and computerised by her, corrected and pronounced by me in the open Court, on this the 08th day of April 2025 .

sd/K.Renugadevi,
**Principal Sub Judge,
Palani.**

Both side witnesses and documents : Nil

sd/K.Renugadevi,
**Principal Sub Judge,
Palani.**

**Principal Sub Court,
Palani.
E.A.No.1/2024
in
E.P.No.45/2020
in
O.S.No.95/2016
Fair/Draft Order
Dated : 08.04.2025.**