

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE
ERODE**

Present: **Tmt.S. SAMEENA, B.A., L.L.B.**,
Principal District Judge, Erode

Tamil Visuvaavasu Varudam, Karthigai Month, 24th day
Wednesday, the 10th day of December, 2025

EA No.02/2024
in
EP No.09/2023

T. Krishnamurthy,
S/o. K.P. Thirumalaisamy,
No.106/2, N Kandampalayam,
Nasiyanur Post,
Erode – 638 107.

...Petitioner/Proposed
4th respondent/3rd Party

Vs

1. Samunnati Agra Solutions Pvt Ltd.,
Rep by its Senior Manager, D. Vijayalakshmi
Office at Baid Hi Tech Park,
8th floor, No.129-B, East Coastal Road,
Thiruvanmiyur, Chennai – 600 041.

... 1st Respondent/Decree Holder/
Claimant

2. M/S. Hari Traders,
Rep by its Managing Director,
V. Balakrishnan,
No.4/348, Dharmapuram Main Road,
Sanarpathy, Ambilikkai, Oddanchatram Taluk,
Dindugal District.

3. V. Balakrishnan,
S/o. Viswanathan,
Residing at No.39/40,
New No.35, Nehru Street,
Modakurichi Taluk,
Erode District – 638 104.

4. B. Lalitha,
W/o. V. Balakrishnan,
Residing at No.39/40,
New No.35, Nehru Street,
Modakurichi Taluk,
Erode District – 638 104.

... Respondents 2 to 4/
Judgment Debtors/Respondents

This Execution Application coming on 18.11.2025 for final hearing before me in the presence of Thiru.J.Saravanan, M.A., B.L., Advocate for the Petitioner/Proposed 4th Respondent/3rd Party, and of Thiru.S.Kanagasabapathy, B.A., B.L., Advocate for the 1st Respondents/Decree Holder/Claimant, and Thiru.M.Dhanraj, B.A., B.L., Advocate for the Respondents 2 to 4/Judgment Debtors/Respondents and upon considering all material records in this execution application and hearing the submissions on both sides, and having stood over till this day for consideration, and this court doth deliver the following

ORDER

This is a petition filed by the petitioner under Order 1 Rule 10 seeking to implead the petitioner as the 4th respondent in EP No.9 of 2023.

The petitioner states that he is the auction purchaser of the schedule property mentioned as item No.1 in the execution petition. He submits that the property originally belonged to the 3rd respondent through a sale deed dated 28.06.2007, later settled in favour of the 4th respondent under a settlement deed dated 24.12.2008. The 4th respondent, along with Sudha and her son, executed a mortgage deed in favour of Jana Small Finance Bank Ltd., and due to default in repayment, the loan account was declared a Non-Performing Asset. The bank issued an e-auction sale notice, and on 12.10.2023 the petitioner participated in the auction and became the highest bidder for Rs.33,40,000/-. He paid the initial deposit and later the balance amount of Rs.24,66,000/-, and the bank issued him a sale certificate dated 14.12.2023, confirming his purchase.

The petitioner asserts that he is the absolute owner of the said property and that he came to know only later that an execution petition had been filed by the 1st respondent seeking attachment and sale of the same property. He contends that if attachment is ordered, he will suffer heavy loss and hardship. Hence, he seeks implement as the 4th respondent in E.P. No. 9 of 2023 to safeguard his title and interest.

The 1st respondent contends that the impleading petition is false, frivolous, vexatious, and legally unsustainable. While admitting the chain of title between the 3rd and 4th respondents as stated in the affidavit, the respondent denies all other averments relating to the e-auction proceedings, the petitioner's participation, payment of amounts, and acquisition of ownership. It is contended that the alleged auction purchase, sale confirmation, and sale certificate are fabricated and not true.

The respondent states that the sale certificate dated 14.12.2023 has not been presented for registration, as required under the Stamp Act, revealing the petitioner's intention to mislead the Court. He submits that the property sought to be purchased belongs to the 4th respondent, who is still in possession. The respondent alleges collusion between respondents 2 to 4 and the petitioner to defeat the decree holder's lawful claim and evade attachment of the property to realise the Arbitral Award of Rs.61,23,321/- passed on 02.03.2022.

According to the respondent, the petitioner is not a bona fide purchaser and was fully aware of the pending execution proceedings. The petition is devoid of merits, and Order 1 Rule 10 CPC is not applicable in execution proceedings. Hence, the respondent prays that the petition be dismissed in limine with costs.

02. Heard both sides. Records perused.

03. POINT FOR CONSIDERATION:

Whether the petition can be allowed?

04. POINT:

The petitioner is the 3rd party and the proposed 4th Respondent. He has filed this petition on the ground that the petition schedule Item No.1 was originally purchased by the 3rd respondent by way of registered Sale Deed dated 28.06.2007 and the 3rd respondent executed a Settlement Deed dated 24.12.2008 in favour of the 4th respondent and the 4th respondent along with one Sudha and her son Hari executed a Mortgage Deed in favour of Jana Small Finance Bank Limited for the loan availed by them. Since they could not repay the loan amount, Item No.1 was brought to E-Auction by Jana Small Finance Bank Limited and the petitioner participated in the E-Auction on 12.10.2023 and he was declared as the highest bidder and he took Item No.1 of the petition property in auction for Rs.33,40,000/- and the sale was confirmed and the sale confirmation certificate in respect of Item No.1 of the property was issued to the petitioner on 14.12.2023 and the decree holder has no right to bring the property for public auction on the basis of the alleged Arbitration Award and hence the petitioner has to be impleaded as a party in this case.

05. The said petition is strongly opposed by the decree holder. The sale certificate issued by the Jana Small Finance Bank perused. It is seen that the petitioner C.Krishnamoorthy has taken part in the E-Auction conducted by Jana Small Finance Bank Limited and had took Item No.1 of the property in E-auction for Rs.33,40,000/-. The petitioner wants to protect his interest over 1st Item of the property. Therefore, this court is of the considered view that, the petition has to be allowed in the interest of justice.

06. In the result, this petition is allowed and the petitioner is permitted to be impleaded as 4th Respondent in this EP No.9 of 2023.

Dictated to the Steno-typist, typed by her directly, and then corrected and pronounced by me in the open court, this 10th day of December, 2025.

Principal District Judge
Principal District Court
Erode

<u>Petitioner/Proposed 4th respondent/3rd Party Side Witness:</u>	Nil
<u>Petitioner/Proposed 4th respondent/3rd Party Side Exhibits:</u>	Nil
<u>1st Respondent/Decree Holder/Claimant Side Witness:</u>	Nil
<u>1st Respondent/Decree Holder/Claimant Side Exhibits:</u>	Nil
<u>Respondents 2 to 4/Judgment Debtors/Respondents Side Witness:</u>	Nil
<u>Respondents 2 to 4/Judgment Debtors/Respondents Side Exhibits:</u>	Nil

Principal District Judge
Principal District Court
Erode