

IN THE COURT OF SUBORDINATE JUDGE, ERANIEL.

**Present : Tmt. D. Asha Kousalya Shanthini, B.Sc., B.L.,
Subordinate Judge, Eraniel.**

Friday, the 27th day of March 2026

**E.A. No.12/2026
in
E.A.No.9/2025
in
E.P. No.6/2022
in
O.S.No.326/2018**

Sahaya Jakins

.... Petitioner/Judgment Debtor

/Vs/

1. Mary Leela
2. S. Raghu

.... Respondents/Decree Holder

This petition coming up for final hearing before me on 13.03.2026 in the presence of Thiru. John Moses Raj, Advocate for the petitioner and Thiru. Milton Livings, Advocate for 1st respondent and Thiru. Bensam, Advocate for 2nd respondent upon hearing the arguments of both sides and upon perusing the records and having stood over for my consideration till this day, this court delivers the following:

ORDER

1. The petitioner/4th respondent seeks for amending the petition in E.A. no.9/2025 in E.P. No. 6/2022, under order VI rule 17 r/w of section 151 of the Civil Procedure Code.

2. The counter filed by the 1st respondent/decree holder is adopted by the 2nd respondent/auction purchaser. Heard both sides and records perused.

3. The petitioner is the 4th respondent in the main E.P. who has remained exparte and after the sale dated 25.06.2025, has filed the E.A. no. 9/2025 to set aside the sale under order 21 rule 90 C.P.C. Here, the petitioner seeks for making two

amendments in the E.A.No. 9/2025, the 1st one being inclusion of his father executing a registered settlement deed dated 03.7.2014 in his favour in respect of the E.P. schedule property. The petitioner submits that the 1st respondent has suppressed this registered conveyance which amounts to fraud and material irregularity in the conduct of sale.

4. Admittedly, in the E.A.No. 9/2025 dated 25.06.2025, the petitioner has mentioned that the E.P. schedule property was transferred to him by his father before filing of the suit and hence the entire decree amount cannot be claimed against his property. When the petitioner, now submits that his father executed a registered settlement deed dated 03.07.2014, why this fact was not specifically mentioned in the E.A. no. 9/2025 previously is not at all clarified by the petitioner here. The petitioner has not submitted anything in the accompanying affidavit as to why he was not able to raise the said stand regarding the settlement with due diligence while he filed the main petition in E.A. No. 9/2025 on 25.06.2025.

5. The second amendment sought for in the present E.A. is regarding the true value of the property not reflected by omitting the subsequent renovation, nature of construction and improvements of the buildings, whose value is approximately Rs. 45,00,000/- whereas, the property was under valued and sold for Rs. 15,06,000/-. This is not a new fact now put forth by the petitioner, because, in the original petition itself, he has specifically mentioned that the net worth of the auctioned property is Rs. 45,00,000/-. Hence, the second amendment is also found not allowable.

6. During the enquiry, the learned counsel appearing for the 1st respondent submitted that the petitioner /3rd respondent is continuously filing applications one after another in E.A.no. 4/2023, E.A. 9/2025, E.A. 10/2025 and I.A. 1/2025 in O.S. No. 326/2018, mainly for protracting the E.P. proceedings. As rightly pointed out by the 1st respondent, the present petitioner has filed the above said petitions one after another, which is nothing but a dragging on technique, which should not be allowed

any further, as expeditious disposal is continuously insisted in such execution petitions by our Hon'ble High Court and the Apex Court.

7. Considering the facts and circumstances of the present case, for the above said reasons, this court is not inclined to allow the present E.A. as prayed for.

In the result, this E.A. is dismissed. No costs.

Pronounced by me in open court on this the 27th day of March, 2026.

Sd/-
Subordinate Judge,
Eraniel.