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**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.**

**PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy.,
Principal District Judge, Ramanathapuram.**

Friday, the 13th day of June 2025

**E.A. No.06/2024
in
E.P.No.43/2022
in
ACP Case No.238/2014

Messers Sri Ram City Union Finance Limited,
Door.No.2, Sivanandhasalai,
Arappalayam Cross Road,
Madurai.
Represented through its General Power
Agent Thriu.Sri Subramaniyan, S/o.Kannan) Petitioner/ Award Holder

-VS-

1. Packiyaraj,
S/o. Govindharaj,
Door No. 3/1136, West Street,
Perungulam,
Ramanathapuram Taluk & District. ...1st Respondent /Judgement
Debtor

This petition came on 05.06.2025 for final hearing before this Court
in the presence of Thiru.R.Muralidharan, Advocate for the petitioner/
Decree Holder and Thiru. B.Sundarrajan, Advocate for the 1st
Respondent/Judgment Debtor and on hearing the arguments on both side
and on upon perusing the entire case records and having stood over for



consideration till this date, this Court delivers the following

ORDER

This petition filed by the petitioner/Award Holder under section 151 of CPC to reduce the upset price.

2. The case of the petitioner in brief:

The petitioner has obtained an award against the respondent/Judgment Debtor and he has filed an Execution Petition to realize the award amount with interest by selling the properties belonging to the 1st respondent/ 1st Judgment Debtor. However, when the property was brought for sale through court auction on 14.08.2024 no bidders participated in the sale since, the upset price was very high. Therefore, sale could not be conducted. The upset price of Rs.24,65,000/- is very high and unless it is reduced to Rs.11,00,000/- no bidders will participate in the auction and the property could not be sold. Therefore, the petitioner prays to reduce the upset price from Rs.24,65,000/- and fix at Rs.11,00,000/-.

3. The case of the 1st respondent/Judgment Debtor in brief:

The respondent states that the value of the property is more than Rs.25,00,000/- and the petitioner has prayed to reduce the upset price to a



very low and meager amount. The petitioner is attempting to grab the suit property by reducing the upset price to very meager amount and thereby gain undue advantage. The petition is devoid on any merits and hence the petition must be dismissed.

4. Point for consideration in this petition is,

Whether the petition be allowed?

5. No oral or documentary evidence was let in by either party.

6. **Answer to Point.**

Admittedly, no bidders had participated in court auction sale on 14.08.2024 and hence, sale could not be conducted. Therefore, the petitioner has filed this petition to reduce the upset price fixed by this Court earlier. However, the prayer for reducing the upset price and fixing at Rs.11,00,000/- is not acceptable, since the value of the immovable property could not be reduced to such a low amount.

6. (i). Therefore, in the interest of justice, it is held that the upset price shall be reduced from Rs.24,65,000/- and fixed at Rs.24,00,000/-. The petitioner is directed to effect proclamation properly and publicize the court auction sale effectively so that more number of bidders would be able to participate. Hence, it is held that the upset price shall be reduced and fixed at



Rs.24,00,000/-, This point is decided accordingly.

In the result, the petition is allowed and the upset price is reduced from Rs.24,65,000/- and fixed at Rs.24,00,000/-. No cost.

Dictated to Steno-typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the **13th** day of June 2025.

Principal District Judge,
Ramanathapuram.

I. List of witnesses and Documents on the side of the petitioner: Nil

II. List of witnesses and documents on the side of the Respondent: Nil

Principal District Judge,
Ramanathapuram.



Principal District Court,
Ramanathapuram.

E.A.6/2024 in

E.P. No.43/2022 in
ACP Case No.238/2014

Draft/**Fair** Order

Dated: 13.06.2025