

IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE, SALEM

Present: Thiru. R.Velaras, B.Sc., B.L., L.L.M.,

I Additional District Judge, Salem,
Tuesday, the 27th day of January, 2026

R.E.P.No.20/2023

in

A.R.C.No.15/2022

M/s. Margadarsi Chits Private Limited,
Salem – 636 004.

.... Petitioner/ Decree Holder

/ Versus /

1. R.Anbu Aravinth
2. G.Sai Tamizharasu
3. A.Tamizhan
4. T. Sasirekha
5. G.Hari Thirunavukkarasu
6. P.Sathiya Priya

..... Respondents/Judgment Debtors

This petition is coming on 05.01.2026 before me for final hearing in the presence of Thiru.D.M.Senthil Kumar, learned counsel for the Petitioner/Decree Holder and Thiru.P.Dharankumar, learned counsel for the 6th Respondent/Judgment Debtor, Respondents 1 to 5 are called absent and set exparte, upon hearing the both and having stood for consideration till date, this court delivered the following.

ORDER

This petition has been filed by the Petitioner under Order 21 Rule 11 (2) of CPC to sell the immovable properties belonging to the Respondents/Judgment debtors No.3, 4 and 6 in the schedule of this petition and pass further orders to sell the properties in the public auction before this court.

2. The brief facts of the Affidavit is as follows:-

The petitioner has filed the above arbitration case against the Respondents/Judgment debtors before the Deputy Registrar of Chits, Salem West for due payable in the Chit Transaction. The petitioner has obtained the above award from the Deputy Registrar of Chits, Salem west against the Respondents/Judgment debtors on 19.09.2022 for recovery of amounts due to the company from them. The respondent/Judgment debtors No.3, 4 & 6 having immovable properties as detailed in the schedule of E.P. Petition. Even after passing of the award the Respondents/Judgment Debtors No.3, 4 & 6 have not come forward to pay any amount as per the award passed. The respondents/Judgment debtors No.3, 4 and 6 even though got every means to pay the amount due to the petitioner, but they have purposely and only want delaying to pay the decree debts on several demands made even after passing of the decree. The respondent/Judgment debtors No.3. 4 and 6 have also not filed any appeal against the award. Hence the petitioner has filed the above E.P for sale of the immovable properties belonging to the Respondents/Judgment debtors No.3, 4 and 6 which were already attached by orders of attachment before judgment passed by the Deputy Registrar of Chits, Salem West. Hence, the petitioner prays to sell the immovable properties belonging to the Respondents/Judgment debtors No.3, 4 and 6 in the schedule of this petition and pass further orders to sell the properties in the public auction before this court.

3. The brief fact of the counter statement filed by the 6th Respondent is as follows:-

This petition is meritless and not maintainable in law and on facts against this respondent. The allegations in the affidavit filed support of the petition not herein expressly admitted are hereby stoutly denied. The representative of the petitioner has to prove his locus-standi with support of proper documentary evidence to represent on behalf of the petitioner. The award passed by the Deputy Registrar of Chits, Salem West is only an exparte award and the claims of the petitioner was improper and highly exorbitant. The copy of award is not served on the respondents as per law. The calculations worked out in Column No.7 and 8 of the petition are incorrect. There are 3 items of properties sought to be placed for auction sale which belonged to the respondents 3, 4 and 6 respectively. All these 3 items had already got attached as per the orders of the Deputy Registrar of Chits, Salem West vide orders in I.A.No.12/2022 to 14/2022. The petitioner had secured the details of properties of the respondents for the chit transactions and similar type of execution petition is also filed by the petitioner against the 1st respondent before the 3rd Additional District Court, Tirupattur in E.P.No.87/2023 on the basis of this very same award. In the said E.P.for sale, the petitioner has taken action against the immovable property of 1st respondent. The petitioner has claimed Rs.53,71,022/- in this EP whereas the petitioner has also claimed Rs.56,62,055/- in E.P.No.87/2023 which amounts to dual claims before different forums. The estimate of value of the 1st item of the property is

mentioned as Rs.33,00,000/- and the 2nd item of the property is estimated for Rs.1 crore and the 3rd item of the property is estimated for Rs.1 crore. All these estimated and rough figure of valuation would come to Rs.2,33,00,000/-. Likewise the property of 1st respondent as mentioned in R.E.P.No.87/2023 is also valued approximately. Considering and clubbing of all these estimations, the total value of properties will exceed more than Rs.3 crores besides the actual market value will exceed more than Rs.10 crores. Even according to the E.P.No.87/2023, the total outstanding on Rs.31,71,855/- would not exceed 5% of the assets/properties of the respondents 1,3, 4 and 6. In fact, the 1st item of the property as mentioned in this petition is alone sufficient to satisfy the entire claims of the petitioner. The other items of the properties need not be prosecuted and has to be discharged/deleted from the purview of execution. The petitioner has to workout its remedy either in this petition or in another. Two EPs for sale for the single claim is barred under law. The exercise of finding out issue of sufficiency to satisfy the claim is a primary duty on the Court before ever considering sale of property. It is a mandatory duty cast upon the Court to find out the adequacy of property to be put-forth for sale. Any deviation of settled positions of law will cause substantial injury to the respondents and all the actions become vitiated. This petition is devoid of merits and a classic case of violation of natural justice in view of the fact that for the small claim, the entire assets of the respondents put under lock. Hence, this respondent prays to dismiss the petition with costs.

4. Now the point for consideration is:-

Whether this petition is liable to be allowed or not?

5. Point:-

The execution petition has been filed by the Petitioner under Order 21 Rule 11(2) of CPC to sell the immovable properties belonging to the Respondents/Judgment debtors No.3, 4 and 6 in the schedule of this petition and pass further orders to sell the properties in the public auction before this court.

6. Heard both side and perused the material available on record. The petitioner is decree holder. The respondents are the Judgment debtors. This Execution Petition filed against the 3rd, 4th and 6th, Respondents only. An award has been passed by the Deputy Registrar of Chits, Salem West on 19.09.2022 in A.R.C.No.15/2022 with a direction to pay the decree amount of 43,31,450/- with interest and costs. The respondents were not paid the amount or not realized the award. Hence, the petition.

7. The counsel for the petitioner/DH has argued that the Arbitration award against the respondents for recovery of the amount and the same was decreed on 19.09.2022. After the award, the respondents/Judgment debtors 3, 4 and 6 have not paid any amount to the petitioner/DH. The respondents /Judgment debtors No.3, 4 and 6 got every means to pay the amount due to the petitioner, but they have purposely and wantonly delaying to pay the decree debts on several demands made even after passing of the decree. Hence, the petitioner/DH prays to pay the decree amount, failing which sell the immovable properties belonging to the Respondents/Judgment debtors No.3, 4 and 6 mentioned in the execution petition.

8. The counsel for the 6th respondent has argued that the award passed by the Deputy Registrar of Chits, Salem West is only an exparte award and the claims of the petitioner was improper and highly exorbitant and the calculation is also not correct. Further argued that, there are 3 items of properties sought to be placed for auction sale which belonged to the respondents 3, 4 and 6 respectively. All these 3 items had already got attached as per the orders of the Deputy Registrar of Chits, Salem West vide orders in I.A.No.12/2022 to 14/2022. The estimated of value of the 1st item of the property mentioned as Rs.33,00,000/- and the 2nd item of the property is estimated for Rs.1 crore and the 3rd item of the property is estimated for Rs.1 crore. The total value of properties will exceed more than Rs.3 crores besides the actual market value will exceed more than Rs.10 crores. The 1st item of the property as mentioned in this petition is alone sufficient to satisfy the entire claims of the petitioner. Hence this petition is devoid of merits and dismiss the petition.

9. As per the arguments advanced by the counsel for the petitioner and as well as the 6st respondent it reveals that the award of Deputy Registrar of Chits, Salem West in A.R.C.No.15/2022 dated 19.09.2022 is still in force and it has not been set-aside by the Appellate court. Therefore, it is bound and duty of the 3rd, 4th, and 6th Respondents/Judgment debtors to settle the E.P. amount. But, the 3rd, 4th, and 6th Respondents/Judgment debtors failed to settle the E.P. amount and to drag on the proceedings with an intention to keep this execution petition as alive without any progress. In this Juncture, I am of view that the petitioner/DH has proceeded this

petition according to law and the petitioner/DH is entitled to sell the petition mentioned properties belonging to the Respondents/Judgment Debtors No.3, 4 and 6 as realise the decree amount. Therefore, the execution petition is liable to be allowed and the petition mentioned properties (necessary properties according to the current market value) belonging to the Respondents/Judgment Debtors No.3, 4 and 6 are liable to be sold in a public auction. Hence, this petition is allowed, Subject to the actual and current market value of the properties.

In the result, this petition is allowed. The petition mentioned properties (Necessary Properties) belonging to the Respondents/Judgment debtors No.3, 4 and 6 are ordered to be Sold according to the current market value. For which test is ordered. Test by 27.02.2026. Batta in 3 days by then.

Dictated to the Steno Typist directly, computerized by her corrected and pronounced by me in the open court on 27th day of January 2026.

I Additional District Judge,
Salem.

Annexure : Nil

I Additional District Judge,
Salem.