**Sangeeta Reedy Case Analysis and Research**

The Plaintiff filed their Originating Summons pursuant to **High Court Rules Or 31 r 1 and r 2 (1), (2)**, **Property Law Act section 86 (2) and Land Transfer Act section 105.**

Process of carrying out the Sale: **High Court Rules** **(Order 31 r 2 (1), (2))**

**Note**: The Court may permit the party or person having the conduct of the sale of land in such manner they think fit or may direct the land to be sold in such a manner.

**AND:**

All parties shall join in the sale and conveyance as the Court shall direct.

* In this case, the Plaintiff has exercised the first option by laying down the manner in which the Sale should be carried out.

The manner is as follows:

1. Appointing the Plaintiff who is to have the conduct of the Sale;
2. Fixing the manner of the Sale to be by way of tender;
3. Fixing a minimum price (if required);
4. Requiring the payment of the purchase money into Court or to such other person as the Court may direct;
5. Obtaining value of the evidence of the property and;
6. Any such other direction as the Court thinks fit for the purpose of effecting the sale.

The above is taken from the Plaintiff’s Originating Summons (Enforcement of Charging Order by Sale). We do not have the judgement for the same in the file thus we need to clarify with the Plaintiffs.

**WAYS IN WHICH WE CAN OPPOSE:**

1. Procedural Defects (If Any)

* The Plaintiff has not provided evidence of compliance with statutory requirements, including proper registration of the charging order as required under the relevant laws.
* The Defendant has not been served with full and proper disclosure of the judgment debt and related interest calculations.

1. Independent conduct of sale

* **Court appoints the person who will manage the sale**- The Plaintiff should not be given sole conduct of the sale, as this creates a risk of undervaluation and conflict of interest. An independent officer of the Court or trustee should be appointed.
* **Court decides the method of sale** (tender, auction, etc.). (IN THIS CASE PLAINTIFF IS PROPOSING TENDER)-
* **Court may fix a minimum reserve price.**
* **Court directs where the purchase money is to be paid** (usually into Court).
* **Court requires a valuation report to be filed.**
* **Court issues any further orders needed to ensure a fair sale**

1. Dispute as to Debt/Amount Owed

* The debt claimed is overstated and does not reflect payments already made.
* The Plaintiff’s calculations of interest and penalties are excessive and not in accordance with the judgment/order.