



WEB COPY

APPLN No. 6 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**APPLN No. 6 of 2026
in IP NO. 31 OF 2025**

Anie Thomas
W/o.Vargees Edmond Thomas

..Applicant

Vs

1. Vargees Edmond Thomas
S/o.Vargees
2. The Official Assignee
High Court, Madras-104.

..Respondents

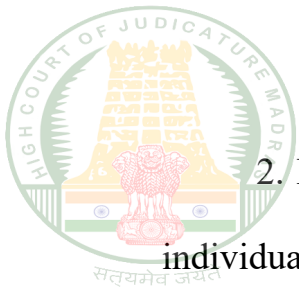
Application filed under Order II Rule I of the Insolvency Rules 1958, read with Section 21 of the Presidency Town Insolvency Act, 1909, to annul the order of adjudication dated 17.07.2025 in I.P.No.31 of 2025 as against the 1st respondent/insolvent.

For Applicant : Mr.J.Balagopal

For Respondent : No appearance

ORDER

The instant application had been taken out by the wife of the insolvent, to annul the order of adjudication dated 17.07.2025 in I.P.No.31 of 2025 as against the 1st respondent/insolvent.



2. In the statement of affairs of insolvent, he had given the names of the individuals including the applicant herein indicating them to be the unsecured creditors.

3. In the present application, there had been no representation on the side of the insolvent when the matter was taken up for hearing on 03.07.2026 and hence, the matter was directed to be listed today. Even today, there is no representation on the side of the insolvent.

4. The claim of the applicant is that the relationship between the insolvent and the applicant is husband and wife and due to the matrimonial disputes, the applicant has moved the Family Court, Chennai for grant of divorce and had also taken an application for maintenance, whereby vide an order dated 24.06.2024, the application had been benefitted with the order of maintenance of Rs.10,000/- for herself and another amount of Rs.10,000/- for her minor daughter.

5. He would further submit that apart from showing the applicant as an unsecured creditor, he had shown two other individuals, who is none other than his close relatives and showing them as unsecured creditors, he is trying to impeach the title of the property, in which, the applicant holds 50% share, for which, a suit for partition has already been initiated by the applicant before the



Subordinate Court, Tirunelveli and under the pretext of the present insolvency petition is that, the insolvent is also not paying the maintenance as fixed by the Family Court, which he is otherwise liable to pay. He would further submit that the amount of maintenance ordered do not fall within the definition of debt and hence, on that ground alone the order of adjudication should be annulled.

6. I have considered the submissions made by the learned counsel for the applicant.

7. In spite of having notice, the insolvent had failed to appear before this Court as recorded above. The insolvent had not filed his counter on the allegations made by the applicant seeking annulment the order of adjudication.

8. The insolvent had been directed to pay the maintenance for this applicant as well as her daughter, who was born through the insolvent.

9. The amount shown against the name of the applicant to be "debt" may not fall within the meaning of "debt" as rightly pointed out by the learned counsel for the applicant.



10. That apart, a report had also been filed by the learned Official Assignee indicating that notice was sent to the creditors to attend the meeting on 12.08.2025. However, no claims have been received from any of the creditors till date.

Hence, this Court is of the view that the present application is only for avoiding the payment of maintenance for his wife viz., the applicant and his daughter, apart from being a vexatious application to defeat the right of the applicant in a suit filed for partition. Accordingly, the application stands ordered and the order of adjudication on 17.07.2025 stands annulled. No costs.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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K.KUMARESH BABU J.

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and IP No. 31 of 2025**

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