

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

OP(C).No. 655 of 2015 (O)

IN I.A.1689/2014 IN I.P.4/2014 OF SUB COURT, KOTTAYAM

PETITIONER(S):

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1. **M.R.GOPALAKRISHNAN NAIR AGED 65 YEARS**
S/O.RAMAN NAIR, PLACKAL HOUSE, ANIKKADU KARA
ANIKKADU VILLAGE, KOTTAYAM TALUK AND DISTRICT 686503
 2. **ANIL S.NAIR AGED 49 YEARS**
S/O.SREEDHARAN NAIR, SREENILAYM (KANIKUNNEL)
PAMPAKKUDA PO, ONAKOOR VILLAGE, MUVATTUPUZHA TALUK
ERNAKULAM DT. 686667
 3. **K.S.PRADEEPKUMAR AGED 54 YEARS**
S/O.SOMASUNDARAN NAIR, SREERAGAM, VADAKKUMPURAM PO
CHENNAMANGALAM VILLAGE, VADAKKAN PARAVOOR TALUK
ERNAKULAM DISTRICT 683521
 4. **LINTO BABY OOKKAN AGED 39 YEARS**
S/O.BABY, OOKAN HOUSE, EDAKKULAM PO
IRINJALAKKUDA, POOMANGALAM VILLAGE
MUKUNDAPURAM THRISSUR DISTRICT 680685
 5. **K.M.MATHEW, AGED 55 YEARS,**
S/O.MATHAI, KARAKKATTU HOUSE, ANIKKADU PO
ANIKKADU VILLAGE, KOTTAYAM TALUK AND DISTRICT 686503

BY ADVS.SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN
SRI.P.T.GIRIJAN
SMT.USHA NARAYANAN

RESPONDENT(S):

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1. **P.K.JAYALAKSHMI, AGED 47 YEARS**
W/O.VIJAYAKUMAR, PERUMBANAKUZHIYIL, MATTAKARA KARA
AKALAKKUNNAM VILLAGE
KOTTAYAM TALUK AND DISTRICT 686564
 2. **V.R.KRISHNAN NAIR, AGED 75 YEARS**
S/O.RAMAN PILLAI, PERUMBANAKUZHIYIL, MATTAKARA KARA
AKALAKKUNNAM VILLAGE
KOTTAYAM TALUK AND DISTRICT 686564

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**3. THOMAS LUKOSE, AGED 50 YEARS
S/O.LUKOSE, CHAMAKKALAYIL HOUSE, KAIPUZHA KARA
KAIPUZHA VILLAGE, KOTTAYAM TALUK AND DISTRICT 686602**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ds

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APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE IA.NO.1689/2014 IN I.P NO.4/2014 DATED 28.08.2014 OF
THE SUB COURT, KOTTAYAM**

**P2: TRUE COPY OF THE OBJECTIONS DATED NIL FILED BY THE 3RD
RESPONDENT TO IA.NO.1689/2014 IN IP.NO.4/2014 DATED 28.08.2014 OF THE
SUB COURT, KOTTAYAM**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

ds

P.BHAVADASAN, J.

O.P.(C) No.655 of 2015

Dated this the 11th day of March, 2015

J U D G M E N T

The limited prayer made in this original petition under Article 227 of the Constitution of India is for a direction to the Sub Court, Kottayam to dispose of Ext.P1 application, which is an application filed by the creditors for appointment of a receiver to preserve the property and to make it available in case of adjudicating the debtor as insolvent.

2. The insolvency petition has been filed by the creditors and it has been admitted on file. Normally, the question of appointment of receiver comes after adjudication. But however, by Section 20 of the Kerala Insolvency Act, it is possible to appoint interim receiver even before adjudication. There were no justification for the court below to have kept Ext.P1, petition pending from August 2014 onwards, especially, when the creditors have pointed out the urgent need for appointment of a receiver.

3. In the nature of order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This petition is allowed and the Sub Court, Kottayam is directed to dispose of Ext.P1 petition filed by the creditors as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge