

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.Nos.851 & 852 OF 2015

COMMON ORDER

Both the CRPs arise out of I.P.No.12 of 2006, as such they are being heard together and disposed of by this common order.

CRP No.852 of 2015 is filed against the order dated 24.02.2015 in I.P.No.12 of 2006 whereby the arrest warrant to Insolvent was issued and CRP No.851 of 2015 is filed against the order dated 03.03.2015 in I.A.No.128 of 2015 whereby the Advocate Commissioner was appointed to execute the said arrest warrant.

Learned counsel for the petitioner submits that notices were returned on the ground that the 'door was locked' but the Court below held that notices served on the ground it was 'not claimed'. She also submits that the procedure under Section 321 of the Provincial Insolvency Act, 1920 is not followed.

Learned counsel for the respondent states that though adjudication order declaring the respondent as insolvent was passed in the month of June, 2014, the respondent is evading the Court process.

In view of the above, since the Court below on wrong premise held that notices are served, both the impugned orders are set aside and the CPRs are allowed. However, the petitioner shall appear before the Court on 13.08.2015 and thereafter the Court shall take appropriate action subject to further orders in the appeal said to have been preferred by the petitioner. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 30.07.2015
dv