

Appln.(IP)No. 105 of 2016
in
I.P. No. 25 of 2014

Dr.G.JAYACHANDRAN, J.
&
C.V.KARTHIKEYAN, J.

This application had been filed by the Official Assignee seeking a Judgment and Decree against the second respondent, Lonewolf Productions, No.13, Devasigamani Street, Off. T.T.K.Road, Royapettah, Chennai – 600 014, to pay a sum of Rs.19,50,000/- with interest at 18% p.a., from 26.03.2013 till date of realisation with cost of the recovery proceedings.

2. The Official Assignee had stated that the second respondent had received a sum of Rs. 19,50,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 26.03.2013. It was also stated that this amount was reflected in the accounts. There has been no subsequent transaction to prove discharge. The Official Assignee had issued notice calling upon the second respondent to pay the amount.

3. Notice was directed to the second respondent in this application. There is no representation on behalf of the second respondent and therefore, the second respondent was set ex-parte on 14.02.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, A.S.Velumani, Sub Assistant Registrar attached to the office of the Official Assignee, High Court, Madras, filed proof affidavit and was examined as PW-1. He filed Exs. A-1 to A-5. Ex.A-1 is the true copy of the relevant pages in the Auditor Ranga Ramanujam's Report dated 01.04.2013 to 31.03.2014; Ex.A-2 is the true copy of the relevant page in Auditor Annamalai

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Associates's Report; Ex.A-3 is the true copy of the notice dated 17.08.2015 sent by the Official Assignee along with copy of acknowledgment; Ex.A-4 is the true copy of the relevant entries in schedule of affairs (No.38) filed in the Court; and Ex.A-5 is the true copy of the relevant bank entry. Thereafter, the first respondent namely, the insolvent, Arjunlal Sunderdas also appeared before the Court and filed his proof affidavit and was examined as RW-1. He also confirmed that the second respondent had borrowed a sum of Rs. 19,50,000/- on 26.03.2013, which amount was paid through RTGS/Cheque. He affirmed that the second respondent had not paid any amount towards discharge.

5. In view of the above evidence, this Application is allowed and the decree is passed accordingly against the second respondent as prayed for.

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(Dr.G.J.J.,) (C.V.K.J.,)
26.04.2019

Note: Issue order copy on 29.04.2019

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