

Appln.(IP)No. 194 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, T.Santha Lakshmi, OAKWOOD Apartments, No.25, Anderson Road, Chennai – 600 006, to pay a sum of Rs.30,00,000/- with interest at 18% p.a., from 21.04.2014 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. 30,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 21.04.2014. 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. Notice had been returned as unserved. Hence, substitute of service by way of paper publication was permitted on 14.02.2018. Thereafter Substitute of Service by way of paper publication effected on 22.02.2018. On 14.03.2018, there was no representation on behalf of the second respondent and therefore, the second respondent was set ex-parte on 14.03.2018. Thereafter, the applicant was directed to take evidence.

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&
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vsg

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 certified true copy of the relevant pages in Auditor Ranga Ramanujam's Report; Ex.A-2 is the certified true copy of Relevant page in Auditor Annamalai Associates Report; Ex.A-3 is the certified true copy of the notice dated 19.08.2015 sent by Official Assignee; Ex.A-4 is the certified true copy of relevant entries in schedule of affairs (No.65) dated 30.10.2015; and Ex.A-5 is the certified true copy of relevant Bank entries.

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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