

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPEAL No. 15 OF 2016

J U D G M E N T:

The order of the Official Liquidator dated 30.07.2008 in Company Petition No. 11 of 1999 rejecting the claim made by the petitioner has been challenged in this Appeal.

A perusal of the order dated 30.07.2008 discloses that the claim of the petitioner filed in Form No. 69 was rejected on the ground that she did not submit the original Fixed Deposit Receipt and that O.S.No. 306 of 1999 filed before the Additional Junior Civil Judge, Madanapalle was dismissed for default.

The case of the appellant is that for recovering the money which was deposited with M/s Sapthagiri Financiers (company in liquidation), she had filed O.S.No. 306 of 1999 on the file of the Court of the I Additional Junior Civil Judge at Madanapalle and in a fire accident, the records got destroyed. Hence, according to her, the original Fixed Deposit Receipt could not be produced before the Official Liquidator.

In the report dated 21.03.2016 filed by the Official Liquidator, it has been stated that on verification of the books of account of the company in liquidation, it has been revealed that the appellant has deposited an amount of Rs.30,000/- on 30.01.1995, hence, the amount payable to her is Rs.40,660/-. A xerox copy of the Fixed Deposit Receipt issued by the company was also filed. In that view of the matter, the learned counsel for the Official Liquidator concedes that the claim of the appellant is

admissible and that the same will be processed. However, he claims that the appellant shall surrender the original Fixed Deposit Receipt to the Official Liquidator.

Inasmuch as the claim of the appellant being admissible as evidenced from the records of the company in liquidation, and considering the fact that on account of the fire accident, the entire record relating to the suit, particularly the Fixed Deposit Receipt, which has been filed along with the suit, got destroyed, the Official Liquidator shall process the claim and pay the amount of Rs.30,000/- with the admissible interest accrued thereon in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With this, the Company Appeal stands disposed of. No costs.

22nd September 2016

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CHALLA KODANDA RAM, J

