

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(IN INSOLVENCY)

FRIDAY. THE 4TH DAY OF AUGUST, 2017

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

APPLN. Nos.184 & 185 of 2017

in

I.P. No.45 of 2014

&

APPLN.NO.212 OF 2017

in

I.P.No.10 OF 2014

&

APPLN.NO.112 OF 2017

in

I.P.NO.35 OF 2014

In the matter of the Presidency
Towns Insolvency Act, III of 1909
and In the matter of
T.S.N.Sundara Vadivel and others
...Debtors

I.P.NO.45 OF 2014

Rekha Mutha,
W/o.Rajendra Kumar,
Residing at
No.41, Ponnappa Chetty Street,
1st Floor, Chennai 600 003. ... Petitioning Creditor

-Versus-

- 1.T.S.N.Sundara Vadivel,
Carrying on business at
No.14/2, First Street,
Nandanam Extention,
Nandanam, Chennai 600 035.
- 2.R.R.Gopaljee,
Having Office at
No.42-A, New No.65,
Mercury Apartment,
Pantheon Road, Egmore,
Chennai 600 008.
- 3.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018. ... Debtors

APPLN. Nos.184 & 185 of 2017

1.T.S.N.Sundara Vadivel,
Carrying on business at
No.14/2, First Street,
Nandanam Extention,
Nandanam, Chennai 600 035.

2.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018. ... Applicants/Debtors 1 & 3

-Versus-

1.Rekha Mutha,
W/o.Rajendra Kumar,
Residing at
No.41, Ponnappa Chetty Street,
1st Floor, Chennai 600 003. ... 1st Respondent /
Petitioning Creditor

2.The Official Assignee,
High Court of Madras,
High Court Buildings,
Chennai 600 104. ... 2nd Respondent

Application No.184 of 2017 praying that this Hon'ble Court be pleased to condone the delay of 703 days in filing the application to set aside the Ex-parte order dated 20.04.2015 in I.P.No.45 of 2014.

Application No.185 of 2017 praying that this Hon'ble Court be pleased to set aside the Ex-parte order dated 20.04.2015 in I.P.No.45 of 2014.

I.P.NO.10 OF 2014

Pritam C.Jain,
No.38, Ponnappa Chetty Street,
Chennai 600 003. ... Petitioning Creditor

-Versus-

1.T.S.N.Sundara Vadivel,
Having Office at
No.14/2, First Street,

Nandanam Extention,
Nandanam, Chennai 600 035.

2.R.R.Gopaljee,
Having Office at
No.42-A, New No.65,
Mercury Apartment,
Pantheon Road, Egmore,
Chennai 600 008.

3.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018.

... Debtors

APPLN.NO.212 OF 2017

1.T.S.N.Sundara Vadivel,
Carrying on business at
No.14/2, First Street,
Nandanam Extention,
Nandanam, Chennai 600 035.

2.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018.

... Applicants/Debtors 1 & 3

-Versus-

Pritam C.Jain,
No.38, Ponnappa Chetty Street,
Chennai 600 003.

... Respondent /
Petitioning Creditor

Application No.212 of 2017 praying that this Court be
pleased to set aside the Ex-parte order dated 24.11.2014 in
I.P.No.10 of 2014.

I.P.NO.35 OF 2014

Sundarbai Kundanmal,
No.425, Mint Street,
Chennai 600 001.

... Petitioning Creditor

-Versus-

1.T.S.N.Sundara Vadivel,
Having Office at
No.14/2, First Street,
Nandanam Extention,
Nandanam, Chennai 600 035.

2.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018.

... Debtors

APPLN.NO.112 OF 2017

1.T.S.N.Sundara Vadivel,
Carrying on business at
No.14/2, First Street,
Nandanam Extention,
Nandanam, Chennai 600 035.

2.Mrs.S.Pyinthamil,
Residing at No.14,
Visalakshmi Apartments,
Cenethope 1st Street, Alwarpet,
Chennai 600 018.

... Applicants/Debtors 1 & 2

-Versus-

1.Sundarbai Kundanmal,
No.425, Mint Street,
Chennai 600 001.

... 1st Respondent /
Petitioning Creditor

2.The Official Assignee,
High Court of Madras,
High Court Buildings,
Chennai 600 104.

... 2nd Respondent

Application No.112 of 2017 praying that this Court be
pleased to set aside the Ex-parte order dated 13.04.2015 in
I.P.No.35 of 2014.

The above applications coming on this day before this
Court for hearing in the presence of Mr.S.Elambharathi,
advocate for the Applicants/Debtors in all Applications,
the Official Assignee, the 2nd Respondent herein and
Mr.T.Skandhakumaar, advocate for the 1st
respondent/petitioning creditor herein and upon reading the
Judges summons and affidavits of Mr.T.S.N.Sundaravadivel
filed in all applications, and the Counsel for the

Petitioning Creditor having made an endorsement stating that "Petition may be dismissed as not pressed",

IT IS ORDERED AS FOLLOWS :

(1) That the delay of 703 days in filing the applications to set aside the ex-parte order dated 20.04.2015 in I.P.No.45 of 2014 be and hereby is condoned.

(2) That the ex-parte order dated 20.04.2015 made in IP.No.45 of 2014 be and hereby is set aside.

(3) That the ex-parte order dated 24.11.2014 made in IP.No.10 of 2014 be and hereby is set aside.

(4) That the ex-parte order dated 13.04.2015 made in IP.No.35 of 2014 be and hereby is set aside.

(5) That the I.P.Nos. 45 of 2014, 10 of 2014 and 35 of 2014 be and hereby are dismissed.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 04TH DAY OF AUGUST 2017.

SD/-

ASSISTANT REGISTRAR

Original Side - I

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF 2017

MANAGER
INSOLVENCY OFFICE

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

cns 03.10.2017

HIGH COURT, MADRAS

APPLN. Nos.184 & 185 OF 2017
IN
I.P.NO.45 of 2014
&
APPLN. NO. 212 OF 2017
IN
I.P.NO.10 OF 2014
&
APPLN. NO. 112 OF 2017
IN
I.P.NO.35 OF 2014

THE HON'BLE MR.JUSTICE

C.V.KARTHIKEYAN

ORDER DATED: 04.08.2017

FOR APPROVAL: 26/10/2017

APPROVED ON : 26/10/2017

COPY TO:-

THE OFFICIAL ASSIGNEE
HIGH COURT, MADRAS.