

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM

THE HONOURABLE **DR.JUSTICE.S.VIMALA**

COMP. A. No.265 to 281 of 2017
in C.P. No.37 of 2007

The Official Liquidator,
High Court, Madras
As the Liquidator of M/s. Associated
Business Credits Limited.
(In Liquidation).

..

Applicant/Decree Holder

The learned Official Liquidator has filed these applications Under Rule 120 read with the Rules 9 and 11(b) of the Companies (Court) Rules, 1959, to pass an order sending the decree for execution to the Theni District and also to issue a certificate of execution of decree to transmit the same to the said other Court as envisaged under Order XXI Rule 6 of the Civil Procedure Code, 1908 and also direct that the cost of these applications to come out from the funds of the company in liquidation.

Official Liquidator : Mr.Achudha Ramaiya

ORDER

M/s.Sree Gayathri Benefit Fund Limited i.e., Company under Liquidation has been ordered to be wound up by this Court, vide Order on various dates, made in C.P.No.37 of 2007. Consequently, the Official Liquidator has taken over the possession of the assets of the

Company in liquidation.

2 The learned Official Liquidator has filed separate applications under Section 446(2) of the Companies Act, 1956 against the debtors of the company under Liquidation. The debtors have been directed to pay the sums indicated against the name of each one of them, alongwith interest 25% p.a., from the date applicable to the respective debtors indicated in the relevant column, till the date of realization:-

S.No.	Company Appln. No.	Name of the Debtor	Date of Order	Amount payable / Liability	Date of accrual of interest
1.	265/2017	Sri.P.Rajendran	12.03.2012	36,665.55	12.03.2012
2.	266/2017	R.Devadoss	22.07.2010	8,793.00	22.07.2010
3.	267/2017	C.Murugesan	12.03.2012	3,993.00	12.03.2012
4.	268/2017	M.Alagar Rajan	14.12.2010	22,374.00	24.04.2007
5.	269/2017	P.Murugan	06.01.2012	14,190.11	06.01.2012
6.	270/2017	S.Kamala	21.09.2010	7,417.00	24.04.2007
7.	271/2017	A.Adaikalam	06.12.2013	70,580.00	30.11.2005
8.	272/2017	R.P.Kavitha	24.01.2012	6,388.81	24.04.2007
9.	273/2017	T.Parmasivam	14.12.2010	95,155.00	24.04.2007
10.	274/2017	R.P.Mohan Ram	14.12.2010	15,972.02	24.04.2007
11.	275/2017	S.A.Jamal	12.03.2012	25,405.23	12.03.2012
12.	276/2017	R.Sargunam	14.12.2010	6,300.00	24.04.2007
13.	277/2017	M.Cheliah	14.12.2010	12,423.00	24.04.2007
14.	279/2017	Nagalingam	22.07.2010	2,579.00	24.04.2007
15.	280/2017	M.Azeez Rahman	12.01.2012	19,597.51	12.01.2012

3. The Learned Official Liquidator has taken steps to execute

the Orders and when execution petitions were taken-up, they have been returned with a remark that the Provisions of Order XX1, Rules 5 and 6 of the Civil Procedure Code has to be complied with and that the decree has to be transmitted to the Coimbatore for execution of the orders.

4. **Order 21 Rule 6 CPC** deals with procedure where Court desires that its own decree shall be executed by another Court. A transfer of decree to another court for execution takes effect from the date of order of transfer.

5. In such circumstances, Learned Official Liquidator seeks permission of this Court for sending the decree for execution to Coimbatore District and also to issue certificate(s) of non-execution of decree at the transferrer court and for the purpose of transmission to and execution at the transferee court. The decrees passed in the respective Company Applications have been enclosed.

6. In view of the above, these applications are ordered as prayed for.

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Index:Yes/No
Internet:Yes/No
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Dr.S.VIMALA, J.,

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