

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

TUESDAY, THE 21st DAY OF NOVEMEBR 2017

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

COMP.APPLN.NO.454 OF 2017

IN

COMP.PETN.NO.230 OF 2004

In the matter of the Companies Act, 1956

And

In the matter of RBF Nidhi Limited

(In Liquidation)

C.P.NO.230/2004:

G.Krishnan
S/o.Govindan,
No.4-A, North Railway Station,
Thiruvottriyur,
chennai -600 019

...Petitioner

Vs.

M/s.RBF Nidhi Limited
Gokhale Bhavan,
Old No.8, New No.15,
West Cott Road,
Royapettah
Chennai -600 014

...Respondent

C.A.No.1144/2007:

The Official Liquidator,
High Court, Madras
As the Provisional Liquidator
of M/s.RBF Nidhi Limited
(In Provisional Liquidation)

...Applicant

Vs.

K.Pandarinathan,
45/46.Mandaveli Street,
Chennai-600 028

...Respondent

C.A.No.454/2017:

The Official Liquidator,
High Court, Madras
as the Provisional Liquidator of
M/s.RBF Nidhi Limited
(In Provisional Liquidation)

...Applicant

The Company applicant praying this court:-

a) To take this reform on record to permit the Official Liquidator to value the mortgaged property through ITCOT or any other Registered Valuer as may be decided by this Hon'ble Court.

b) To direct the respondent to grant full access to the Official Liquidator for the purpose of valuation of the property (or) to permit the Official Liquidator to break open the locks where access is denied to the mortgaged properties.

c) To permit the Official Liquidator to meet the expenses for the valuation out of the funds of the company in liquidation.

The Company Application coming on this day before this Court for hearing in the presence of Mr.P.Atchutha Ramaiah, Official Liquidator High Court, Madras for the Applicant herein and the Respondent not appearing in person or through Advocate and upon reading the Judge's Summons and Report of Official Liquidator filed herein, the Court made the following order:-

"Pursuant to the order dated 17.04.2006, the learned Official Liquidator was asked to take charge of the assets of the company in liquidation. The respondent herein availed mortgage loan way back in the year 1995. As the loan was not repaid, despite the guarantee given by the wife of

the respondent, a decree was passed on 07.04.2011 in C.A.No.1144 of 2007. Though an application was filed seeking to set aside the same, it is yet to be numbered. Hence the present application has been filed by the learned Official Liquidator seeking the reliefs mentioned therein.

2.Despite service of notice and the name of the counsel having been printed in the cause list, none appears for the respondent. Even otherwise, the decree has become final inter se parties, which is also known to the respondent. The very fact that the respondent has filed an unnumbered application would also hold for it. Therefore, the prayer sought for by the learned Official Liquidator has to be allowed, being consequential to the decree. Accordingly, the application stands ordered".

WITNESS, The HON'BLE MS.INDIRA BANERJEE, The Chief Justice of Madras High Court, as aforesaid this the 21st day of November 2017.

Sd/-

JOINT REGISTRAR (O.S)

//CERTIFIED TO BE A TRUE COPY//

DATED THIS THE

DAY OF

2018.

COURT OFFICER.

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

TE.04.05.2018

COMP.APPLN.NO.454 OF 2017
IN
COMP.PETN.NO.230 OF 2004

ORDER DATED:21/11/2017

THE HON'BLE MR.JUSTICE
M.M.SUNDRESH

FOR APPROVAL ON:15/05/2018

APPROVED ON:15/05/2018

To:

The Official Liquidator,
High Court, Madras.