

Appln.(IP)No. 175 of 2017
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, Dynasource Webware P Ltd., having office at Sree Hari Building 4, Top Avenue, Kangayam Road, Thruppur – 641 604, to pay a sum of Rs.35,00,000/- with interest at 18% p.a., from 30.04.2013 till date of realisation with cost of the recovery proceedings.

2. The Official Assignee had stated the second respondent had received a sum of Rs. 35,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 13.03.2013. 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 dated 13.04.2017 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 with an endorsement that there is no such company in the given address. 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 for the

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respondent respondent and therefore, the second respondent was set ex-parte. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Parameswari (P.W.1) filed proof affidavit on behalf of the Official Assignee reiterating the averments made by the Official Assignee in support of the application and filed Exs. A-1 to A-4. Ex.A-1 was the true copy of the relevant pages in the Auditor Ranga Ramanujam Report dated 16.02.2013; Ex.A-2 was the true copy of the Notice dated 13.04.2017 sent by the Official Assignee to Dynasource Webware Private Limited; Ex.A-3 was the true copy of the Letter dated 07.04.2017 issued by Insolvent's counsel to the Official Assignee with additional list of Debtors; Ex.A-4 was the true copy of the statement of account bearing account No. 422156084 in respect of the Insolvent with Indian Bank.

5. In view of the above evidence, this Application is allowed and the decree is passed accordingly against the second respondent as prayed for.

(Dr.G.J.J.,) (C.V.K.J.,)
26.04.2019

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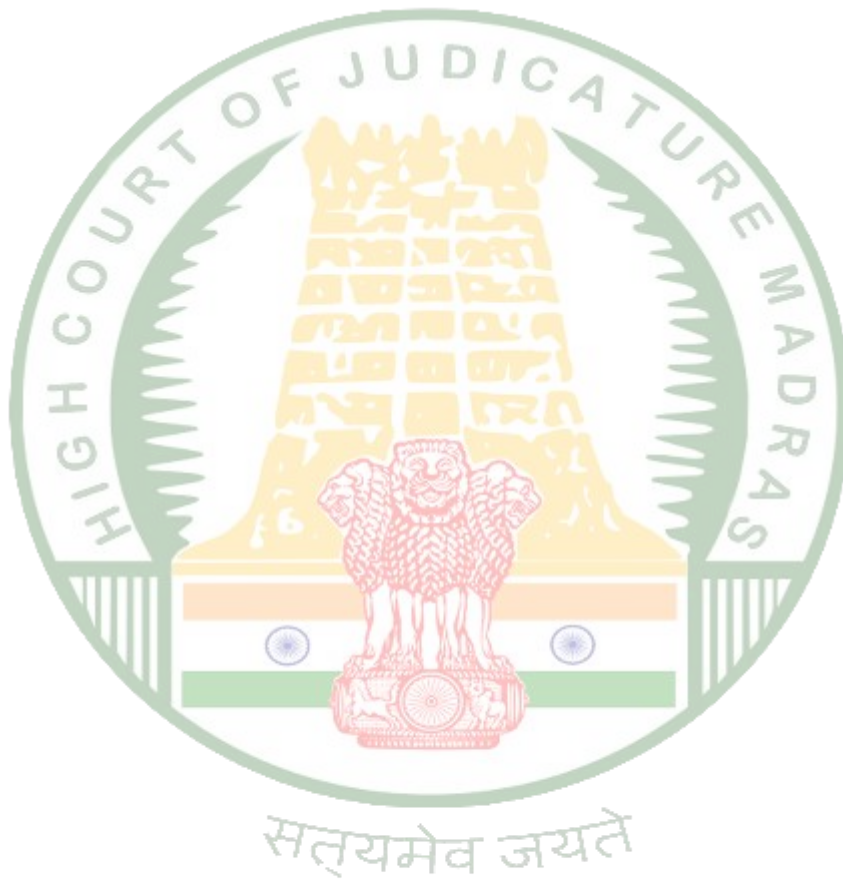
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Appln.No. 106 of 2016
in
I.P. No. 25 of 2014

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