



Application No.18 of 2017

in

I.P.No.25 of 2014

Dr.G.JAYACHANDRAN, J

and

C.V.KARTHIKEYAN, J

(The Order of the Court was made by Dr.G.JAYACHANDRAN, J)

The second respondent herein inspite of affording ample opportunities, has been dragging on the matter under one pretext or the other without proceeding with examination of witnesses. On 13.07.2023, the new learned counsel appearing for the second respondent sought time to get along with trial and requested time to cross examine P.W.1. His request was acceded and he was permitted to cross examine P.W.1 on condition to pay costs of Rs.10,000/- to the account of the Insolvency Petition in I.P.No.25 of 2014 on or before 27.07.2023.

2. Thereafter, P.W.1 was cross examined and the matter was posted for examination of the second respondent. However, the second respondent



has not adduced his evidence, inspite of several adjournments having been given by the Court and therefore, the learned Master recorded his absence and posted the matter before this Court.

3. Learned counsel appearing for the second respondent submits that on 29.08.2024, the witness came late to the Court and therefore, he was not properly represented by a counsel and Proof Affidavit is made ready and he will let in evidence, if permitted.

4. On perusing the records, this Court is not convinced about the conduct of the second respondent and has been taking adjournments under one pretext or the other and the present application is pending for more than seven years. The learned Master has clearly recorded about the conduct of the second respondent and stated that the second respondent does not have any *bona fide* intention to participate in the trial.

5. Learned counsel appearing for the second respondent submits that



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one chance may be given to the second respondent, so that, he can put-forth his defence by way of evidence. At his request, the matter is sent back to the learned Master concerned for recording evidence of the second respondent on condition that the second respondent shall pay costs of Rs.25,000/- (Rupees Twenty Five Thousand only) in the account of Official Assignee of the High Court, Madras, on or before 19.09.2024.

6. The Registry is directed to list the matter before the learned Master concerned on 19.09.2024.

(Dr.G.J.J.) (C.V.K.J.)
04.09.2024

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