

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

COMPANY APPLICATION No.673 of 2017

in

COMPANY PETITION No.28 of 2010

ORDER:

This application is filed by the applicants to remove the seal put by the office of the Official Liquidator to a room in the cellar of the building bearing Door No.22-9-14, Jayakrishnapuram, Korukonda road, Rajahmundry and hand over possession of the same to the applicants.

2. Applicants contend that they have purchased this property consisting of 5 floors under registered sale deed dt.22-12-2016 from Kodali Suseela; that on purchase, applicants came to know that a seal was put on a room in the cellar of the said building by the office of the Official Liquidator on the ground that the property was earlier let out to M/s.Sree Pujitha Chit Fund Private Limited, a company under liquidation in the custody of the Official Liquidator; that applicants made efforts to trace out the tenant, but could not do so; that the said premises which is sealed by the Official Liquidator does not belong to the company in liquidation and that it was only a tenant. They therefore sought for removal of the seal put on the room in the cellar and to hand over possession of the same, which is in the custody of the Official Liquidator. Applicants have also filed copies of the

registered sale deed, under which they purchased the said property, including the link document.

3. In his report, the Official Liquidator stated that in the statement of affairs and books filed by the ex-Director of the company, there is no information about the property sealed by the Official Liquidator.

4. No material is placed by the Official Liquidator to show that the premises in question belong to the company in liquidation.

5. In this view of the matter, it cannot be said that the premises sealed by the Official Liquidator in the cellar of the above premises is the property of the company in liquidation.

6. Therefore, this application is allowed and the Official Liquidator is directed to remove the seal put on the room in the cellar in the building with Door No.22-9-14, Jayakrishnapuram, Korukonda road, Rajahmundry and hand over possession of the same to the applicants within four (04) weeks from the date of receipt of copy of this order. No costs.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-10-2017

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