

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(IN INSOLVENCY)

SATURDAY, THE 28TH DAY OF APRIL 2018

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

APPLN. No.78 of 2017
in
IP. No.116 of 2009

In the matter of the Presidency
Towns Insolvency Act, III of 1909
and In the matter of
Dr. B. Seethalakshmi

...Debtor

IP NO. 116 of 2009

Dr.B. Seethalakshmi
W/o. Dr. S. Venkatachalapathy
Plot NO.93, Door No.22, A/2,
Sanjay Gandhi Nagar Main Road,
Virugambakkam,
Chennai - 600 092.

... Petitioner / Debtor

Appln. No.78 of 2017

Dr.B. Seethalakshmi
W/o. Dr. S. Venkatachalapathy
Now Residing at B2, A.R.Flats,
27, Perumal Kovil Street,
Choolaimedu, Chennai 600 094.

... Applicant / Insolvent

-Versus-

The Official Assignee,
High Court,
Madras.

... Respondent

Application praying that this Hon'ble Court be pleased
to grant unconditional discharge to the applicant.

On the application of Dr.B. Seethalakshmi, W/o. Dr. S. Venkatachalapathy, Now Residing at B2, A.R.Flats, 27, Perumal Kovil Street, Choolaimedu, Chennai 600 094 adjudged as insolvent on 3rd day of September 2009 and upon taking into consideration of the report of the Official Assignee as to the insolvent's conduct and affairs and upon hearing the Official Assignee, the respondent and Mr.P.Thirupathi Raj, advocate for the Applicant / Insolvent and the report of the Official Assignee dated 25.04.2018 filed herein;

And whereas it has not been proved that the insolvent has committed any act constituting an offence under Section 421-424 of the Indian Penal Code or under the Presidency Towns Insolvency Act 1909 and proof has not been made of any of the facts and circumstances mentioned in sub section (2) of Section 39 or Section 44 of the said act, or that the insolvent has been guilty of any misconduct in relation to his affairs, **it is ordered as follows :-**

(1)That Dr.B.Seethalakshmi,W/o.Dr.S. Venkatachalapathy, the insolvent herein be and is hereby discharged unconditionally from all debts provable in this insolvency except such as are mentioned in sub-section(1) of Section 45 of the Act aforesaid.

(2) That the I.P. No. 116 of 2009 be and is hereby closed.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 28TH DAY OF APRIL, 2018.

sd/-

ASSISTANT REGISTRAR(O.S.I)

//CERTIFIED TO BE TRUE COPY//
DATED THIS THE DAY OF 2018

MANAGER
INSOLVENCY OFFICE

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

cns-10.07.2018

HIGH COURT , MADRAS

APPLN. No.78 of 2017
in
I.P No.116 of 2009

THE HON'BLE MR.JUSTICE

V.BHARATHIDASAN

DECREE DATED: 28/04/2018

FOR APPROVAL:18/07/2018

APPROVED ON :18/07/2018

COPY TO:

THE OFFICIAL ASSIGNEE
HIGH COURT,MADRAS.

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-Versus-

The Official Assignee,
High Court,
Madras. ... Respondent

Application praying that this Hon'ble Court be pleased
to grant unconditional discharge to the applicant.

The above application coming on this day before this
court for hearing in the presence of Official Assignee of
this Court, the respondent herein and Mr.P.Thirupathi Raj,

Advocate for the applicant/insolvent herein and upon reading the Judges summons and affidavit of Dr.B.Seethalakshmi and report of the Official Assignee dated 25.04.2018 filed herein,

The Court made the following order:-

This Application has been filed to discharge the applicant unconditionally by cancelling the order of adjudication dated 03rd September 2009.

2.The applicant was adjudicated as insolvent pursuant to her petition in I.P. No.116 of 2009. The order of adjudication was made on 03rd September 2009. Under Order II Rule 1 of the Insolvency Rules an application to discharge has been filed within a period of 18 months from the date of the order of adjudication and the public examination was also concluded on 06.08.2014.

3.The applicant subsequently filed this application to discharge her with a delay of 2226 days.

4.The applicant in her affidavit dated 5th April 2016 submitted that after the order of adjudication she has not contracted any debts. Similarly, the applicant pleaded that she has not committed any offence under the provisions of the Presidency Towns Insolvency Act or under any provisions of Indian Penal Code.

5.The Official Assignee in her report dated 25th April, 2018 indicated that the applicant has not committed any offence under the provisions of the Presidency Towns Insolvency Act or under any provisions of Indian Penal Code.

6. Heard the learned counsel for the applicant and the learned Official Assignee.

7.The learned Official Assignee has no objection in discharging the insolvent.

8.Considering averments made in the application and the report submitted by the Official Assignee and taking into account the background facts, this Application is allowed as prayed for. Consequently, the Insolvency Petition is also closed.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 28TH DAY OF APRIL 2018.

sd/-

ASSISTANT REGISTRAR OS-I

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ORDER DATED: 28/04/2018

FOR APPROVAL: 18/07/2018

APPROVED ON : 18/07/2018

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THE OFFICIAL ASSIGNEE,
HIGH COURT,MADRAS.