

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.186 of 2018

R.Subramaniam .. Appellant/Applicant/
Petitioner

Vs

The Official Liquidator,
Madras High Court,
As the Liquidator of
M/s.Kongurar Spinners Limited,
Pethampatti, Udumalpet. ... Respondent/Respondent

Appeal preferred under Order XXXIV Rule 9 of O.S. Rules r/w
Clause 15 of Letters Patent against the order dated 08.09.2017
made in CA.No.590 of 2017 in C.P.No.198 of 2004.

CA.590/2017:Application praying this Court to set aside the
order dated 29/11/2012 passed by the Official Liquidator
rejecting the claim No.146/198/2004 CES of the Applicant in
CP.No.198/2004 and consequently allow the Form No.66 filed by
the applicant.

For Appellant .. Mr.A.Deivasigamani

For Respondent .. Mr.M.Dhamodharan,
Official Liquidator

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Challenging the order passed by the learned single Judge,
which was based upon the report of the Official Liquidator dated
09.08.2017, the present appeal has been filed by the appellant,
who was the erstwhile workman of the company in liquidation.

2.A perusal of the order passed would show that it was passed by accepting the report of the Official Liquidator. Learned counsel appearing for the appellant would submit that certain factors have not been brought to the notice of the Official Liquidator. Thus, it is submitted that liberty may be given to the appellant to make a fresh representation for redetermination of certain entitlement, which were not taken note of.

3.Considering the same, while dismissing the appeal, we give liberty to the appellant to make a fresh representation to the Official liquidator. As and when the same is made, the Official Liquidator can adjudicate upon it within a period of six weeks from the date of receipt of a copy of the same. We make it clear that the said representation has to be considered on its own merit notwithstanding the earlier report and the order passed by this Court.

4.The admitted amount of Rs.43,918/- shall be paid by the Official Liquidator to the appellant, who shall receive it without prejudice to the representation to be made. The said amount will have to be paid within a period of four weeks from the date of receipt of a copy of this order.

5.In the result, the Original Side Appeal is dismissed. No costs.

Sd/--

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To
The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.A.Deivasigamani, Advocate Sr.No.39323

VGI(CO)
sm:9.7.2018

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