

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.S.A.No.191 of 2017
and
C.M.P.No.13090 of 2017

A.Manohar Prasad

...

Appellant

-vs-

1.M/s.Kotak Mahindra Bank Ltd.,
No.3, Dass India Tower,
2nd Floor, Second Line Beach,
Parrys, Chennai 600 001.

2.The Official Assignee,
High Court, Madras
Office of the Official Assignee,
Family Court Building
1st Floor, High Court,
Chennai 600 104.

...

Respondents

Prayer in O.S.A.No.191 of 2016: This Original Appeal filed under Order XXXVI Rule 9 of OS Rules r/w Clause 15 of Letter Patent Act., against the Judgment and Decree dated 19.10.2016 made in Appln.No.312 of 2015 in I.P.No.5 of 2013.

Application on 312/2015 filed to set aside the exparte Order dated 28-09-2015 passed by this Honourable Court in I.P.No. 5 of 2013 and permit the petitioner to file its Counter and contest the matter on merits.

IP. 5 of 2013 is filed to

a.Adjudicate the Debtor as an insolvent under the provisions of the Presidency Towns Insolvency Act III, 1909;

b.Direct the estate of the Debtor to be vested with the Official Assignee of Chennai with powers to administer the same for the benefit of the generalk body of the creditors of the Debtor;

C.Order the cost of the petitioning creditor to be paid by the Official Assignee of Chennai from and out of the estate of the debtor;

For Appellant : Mr.Vineet Subramani
for M/s.Adithiya Reddy

For Respondents : Mr.Ilayaraja
for M/s.Ramalinga & Associates

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The learned Counsel appearing for the appellant seeks leave of this Court to withdraw this appeal and made an endorsement to that effect.

2.In view of the representation and endorsement made by the learned counsel appearing for the appellant, the Appeal is dismissed as withdrawn. Consequently, connected Miscellaneous Petition also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sai

TO

1.The Sub Assistant Registrar,
High Court, Madras (Original Side)

+1cc to Mr.Vineet Subramani, Advocate, S.R.No.85243

+2cc to Mr.Ramalingam & Associates, Advocate, S.R.No. 85655

WEB COPY

O.S.A.No.191 of 2017

RJI (CO)
GN(07/01/2019)