

HON'BLE SRI JUSTICE S.V.BHATT

Company Application No.1891 OF 2015

In

Company Petition No.57 OF 1999

ORDER:

Terala Laxmi Bai wife of T.Narasaiah is the applicant. The applicant prays for a direction to sell quarter No.TRT 29 B belonging to Srsilk Limited (company in liquidation) at Sirpur Kagaznagar, Adilabad District to her. The applicant further prays for adjusting the consideration payable to the workman in terms of the notice of admission/rejection of affidavit of proof of debt as may be modified by this Court.

The applicant claims to be in possession of quarter No.TRT 29 B, incurred huge expenditure towards repair, reconstruction and maintenance, thus making the quarter habitable. The applicant is desirous of purchasing the quarter in her possession, for the applicant does not have any other place of residence and eligible for consideration by this Court. The applicant suggests the determination of value of quarter, on capitalised annual rent value which she is prepared to deposit and the amount payable, if any to the husband of applicant may be adjusted in the consideration payable by the applicant.

Notice to Official Liquidator was ordered. The reports dated 22.02.2016 and 31.01.2018 are placed on record. The Official Liquidator opposes consideration of the claim of applicant on the ground that the applicant has failed to produce order of allotment

of quarter No.TRT 29 B or proof of occupation of quarter. The details of I.D. Card produced by the applicant do not tally with the other details of the employee T.Narasaiah. According to applicant, Terala Narasaiah son of Ramaiah is her husband and to prove that I.D. Card, Attendance and Wages Card for the month of April,1985 are enclosed. These documents refer to one Narasaiah S/o. Rangaiah. Further as per the valuation report prepared by M/s.Servel Associates, TRT 29/B was allotted to V.Narasiah. Through report dated 31.01.2018, the Official Liquidator reiterates the stand taken by him in his report dated 22.02.2016. Therefore, the applicant has failed to establish that she is in possession of quarter No.TRT 29 B and that quarter was allotted to her husband who was an employee in Srsilk Limited (company in liquidation) etc. The applicant relies on a few orders passed by this Court wherein the Official Liquidator was directed to allot quarters in possession of workmen, execute sale deeds, receive consideration by adjusting the amount payable to workmen. The applicant herein can be treated on par with similarly situated workmen, if the applicant establishes the basic circumstances of allotment of a quarter, adjustment of money payable to her deceased husband etc. In spite of granting time by Official Liquidator as well as this Court, the applicant is unable to prove that her husband was working in Srsilk Limited (company in liquidation) and management allotted quarter No.TRT 29 B and she is in possession of quarter after demise of her husband. For the above reasons, this Court is not convinced to

grant the relief as prayed. The application fails and is accordingly dismissed.

S.V.BHATT, J

Date: 09.04.2018
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