

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28123 OF 2018

ORDER :

It is the case of the petitioner that the petitioner filed I.P i.e., CFR No.2426 of 2016 before the Principal Senior Civil Judge, Mancherial, Adilabad District under Section 10 of the Provincial Insolvency Act, to adjudicate his claim against the respondents 1 to 28 therein by declaring him as insolvent, which was rejected by the concerned Court on the ground that the said petition was filed under the Old Act i.e., Provincial Insolvency Act, 1920 and that new Act i.e., Insolvency and Bankruptcy Code, 2016 has come into force and that Section 243 (1) of the said Code is applicable to his case by order dated 31.10.2016. It is stated that the said provision was not made applicable to the Insolvency Petitions filed on or before 28.05.2016 as referred by the Civil Court for rejecting his application. Aggrieved by the return of his application, the present Writ Petition is filed.

Heard learned counsel for the petitioner, who submits that in similar circumstances, the Hon'ble Division Bench of this Court, by Common Order dated 18.09.2017 in W.P.No.41022 of 2016 & batch, directed the adjudicating authorities (Senior Civil Judges concerned) under the Provincial Insolvency Act, 1920 to entertain the insolvency applications recording Section 243 (1) of Insolvency and Bankruptcy Code, 2016 has not come into force and same is not disputed by Sri K.Lakshman, learned Assistant Solicitor General appearing for respondents 1 to 3.

In view of the same and for the reasons alike in Common Order dated 18.09.2017 in W.P.No.41022 of 2016 & batch, this Writ Petition is disposed of directing the Principal Senior Civil Judge, Mancherla, to entertain CRF No.2426 of 2016, number the same and dispose of the same, in accordance with law, subject to compliance of other requirements and subject to objections to be raised by respondents. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

30-08-2018.
kvs



A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



W.P.No.28123 of 2018

Date: 30.08.2018

kvs