

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION No.6391 of 2017

ORDER:

Aggrieved by the action of the Court below in not numbering an interlocutory application for protection under Section 23 of the Provincial Insolvency Act, 1920, the petitioner has come up with the above revision.

2. Heard Mr. B. Siva Sankara Rao, learned counsel for the petitioner.

3. The petitioner herein has filed a petition in I.P.No.8 of 2017 under Section 10 of the Provincial Insolvency Act, 1920, on the file of the Court of Senior Civil Judge, Nuzvid for adjudicating him as insolvent. It is now pending.

4. In the meantime, a person, who secured a money decree against the petitioner, is seeking to get the petitioner arrested pursuant to a warrant issued in execution of the money decree. Therefore, the petitioner filed an interlocutory application for protection. The Court Below has not even numbered the application, in view of the fact that the Insolvency and Bankruptcy Code, 2016 has come into effect.

5. But it appears that Section 243 of the Insolvency and Bankruptcy Code, 2016 by which the Presidency Towns Insolvency Act, 1909 and Provincial Insolvency Act, 1920 were repealed, has not been notified so far. Therefore, the Court below continues to have jurisdiction.

6. Hence the civil revision petition is disposed of directing the Court below to number the interlocutory application and take further action in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

9th March, 2018
Js.

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