

Appln.(IP)No. 103 of 2016
in
I.P. No. 25 of 2014

Dr.G.JAYACHANDRAN, J.
&
C.V.KARTHIKEYAN, J.

This application had been filed by the Official Assignee seeking a Judgment and Decree against the second respondent, V.Vijayakumar, to pay a sum of Rs.50,00,000/- with interest at 18% p.a., from 13.03.2013 till date of realisation with cost of the recovery proceedings.

2. The Official Assignee had stated that the second respondent had received a sum of Rs. 50,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 21.04.2014. It was also stated that this amount was reflected in the accounts. There has been no subsequent transaction to prove discharge. The Official Assignee had issued notice calling upon the second respondent to pay the amount.

3. Notice was directed to the second respondent in this application. Notice had been returned as unserved. Hence, substituted service by way of paper publication was effected on 08.08.2019. There was no representation for the second respondent and therefore, the second respondent was set ex-parte on 29.08.2019. Thereafter, the applicant was directed to take evidence.

4. Accordingly, P.Mangaiyarkkarasi, Assistant Section Officer attached to the Office of the Official Assignee, Madras High Court filed proof affidavit and was examined as PW-1 and she reiterated the claim for

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Rs.50,00,000/- and to establish the claim filed Exs. A-1 – A-4. Ex.A-1 is the true copy of the relevant pages from Auditor Ranga Ramanujam Report; Ex.A-2 is the true copy of the relevant page in Auditor Annamalai Associates Report; Ex.A-3 is the true copy of the relevant entries in schedule of affairs dated 30.10.2015; and Ex.A-4 is the true copy of the bank statement from 01.01.2013 to 01.07.2013.

5. The first respondent namely, the insolvent, Arjunlal Sunderdas reportedly died on 07.05.2018.

6. In view of the above evidence, this Application is allowed and a decree is passed accordingly against the second respondent as prayed for.

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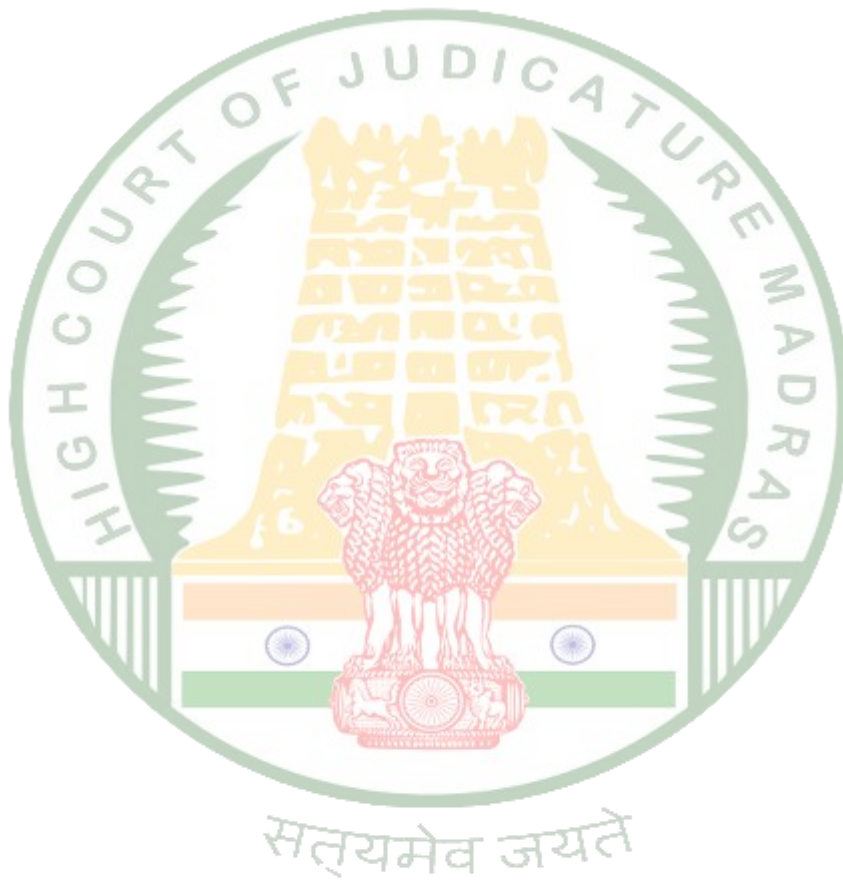
(Dr.G.J.J.,) (C.V.K.J.,)
 15.11.2019

Pre-delivery Judgment made in

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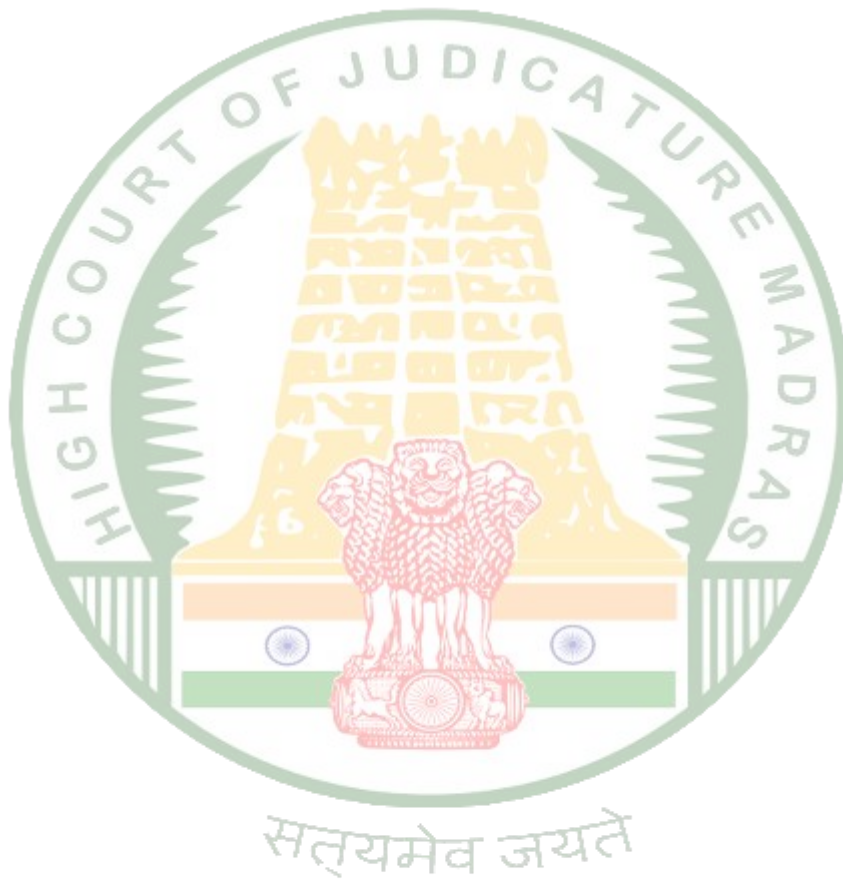


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