

RESERVED ON: 28.06.2019

DATED: 12.07.2019

Appln.(IP)No. 201 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, Tools and Machine Tool Engg., No. 114, Sidco Aiema Tower, Ambature, Chennai – 600 058, to pay a sum of Rs.35,25,000/- with interest at 18% p.a., from 21.04.2014 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.35,25,000/- 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 but he did not choose to participate in the judicial proceedings and therefore, the second respondent was set ex-parte on 05.04.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Parameswari, Assistant Section Officer attached to

the office of the Official Assignee, High Court, Madras, filed proof affidavit and was examined as PW-1. He filed Exs. A-1 to A-12. Ex.A-1 is the photocopy of the relevant pages from Auditor Annamalai Associates report; Ex.A-2 is the photocopy of the relevant pages from Auditor Annamalai Associates report; Ex.A-3 is the photocopy of the demand notice dated 16.03.2016 sent by the Official Assignee to the second respondent; Ex.A-4 is the photocopy of the reminder notice dated 28.04.2016 sent by Official Assignee to the second respondent; Ex.A-5 is the photocopy of the enquiry notice dated 16.06.2016 sent by the Official Assignee to the second respondent; Ex.A-6 is the photocopy of the letter dated 09.10.2017 sent by the Official Assignee to the second respondent along with the photocopy of the acknowledgment card; Ex.A-7 is the photocopy of the acknowledgment of application with Judge summons received by Sudharsana Rao on 16.11.2018; Ex.A-8 is the photocopy of the letter dated 09.02.2018 from the Official Assignee to the Registrar of Companies; Ex.A-9 is the photocopy of the reminder letter dated 23.10.2018 sent by the Official Assignee to the Registrar of Companies; Ex.A-10 is the photocopy of the schedule of affairs dated 24.05.2014; Ex.A-11 is the photocopy of the schedule of affairs dated 30.10.2015; Ex.A-12 is the photocopy of the Bank entry.

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

vsg

(Dr.G.J.J.,) (C.V.K.J.,)
12.07.2019

Dr.G.JAYACHANDRAN, J.
&

C.V.KARTHIKEYAN, J.

vsg



Pre-Delivery Order made in

Appln.(IP)No. 201 of 2016

in

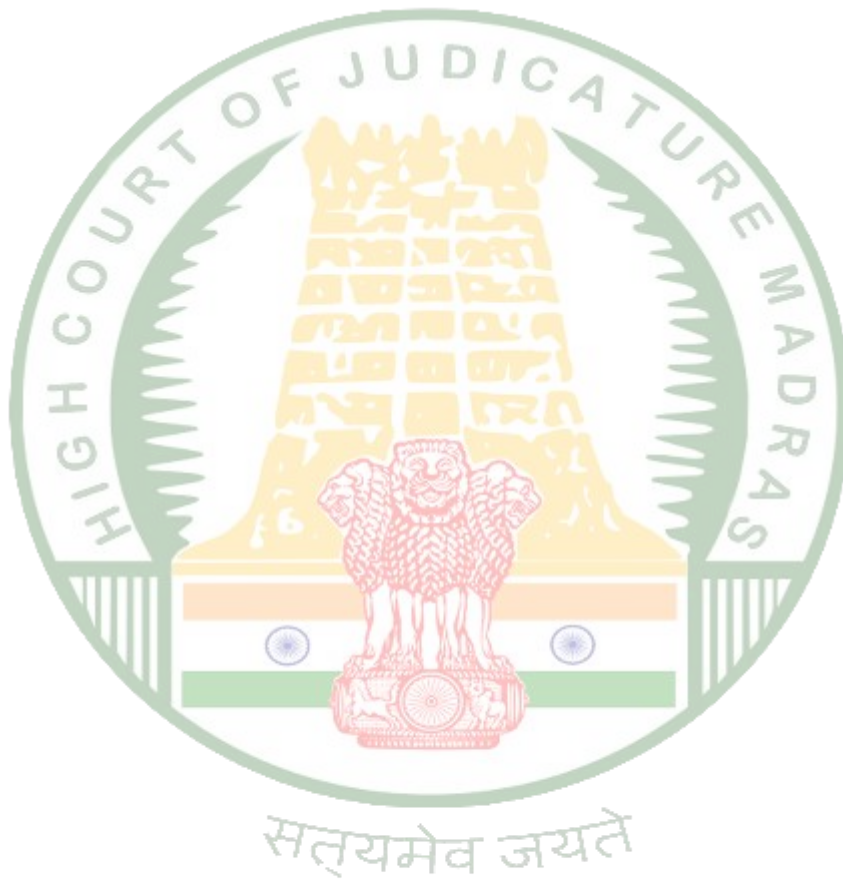
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