

RESERVED ON: 28.06.2019

DATED: 12.07.2019

Appln.(IP)No. 230 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, R.Manimala, No.61, Gajapathy Street, Shenoy Nagar, Chennai – 600 030, to pay a sum of Rs.1,38,00,000/- 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. 1,38,00,000/- 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. On 07.02.2018 Mr. Sricharan Rangarajan, learned counsel undertook to file vakalat for the second respondent and undertook to file counter affidavit. When the matter came up for hearing on 21.02.2018, there was no representation on behalf of the second respondent.

Counter was also not filed. Hence, the second respondent was set ex-parte on 21.02.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Parameswari (P.W.1) filed proof affidavit on behalf of the Official Assignee reiterating the averments made by the Official Assignee in support of the application and filed Exs. A-1 to A-4. Ex.A-1 is the True copy of the relevant pages in the Auditor Ranga Ramanujam Report dated 16.02.2013; Ex.A-2 is the True copy of the relevant pages in the Auditor Annamalai Associates Report; Ex.A-3 is the True copy of the Notice dated 16.03.2016 sent by the Official Assignee to R.Manimala; and Ex.A-4 is the relevant entries in the schedule of affairs. Thereafter, the first respondent namely, the insolvent, Arjunlal Sunderdas also appeared before the Court and filed his proof affidavit and was examined as RW-1. He also confirmed that the second respondent had borrowed a sum of Rs. 1,38,00,000/- on 01.03.2013. He affirmed that the second respondent had not paid any amount towards discharge.

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



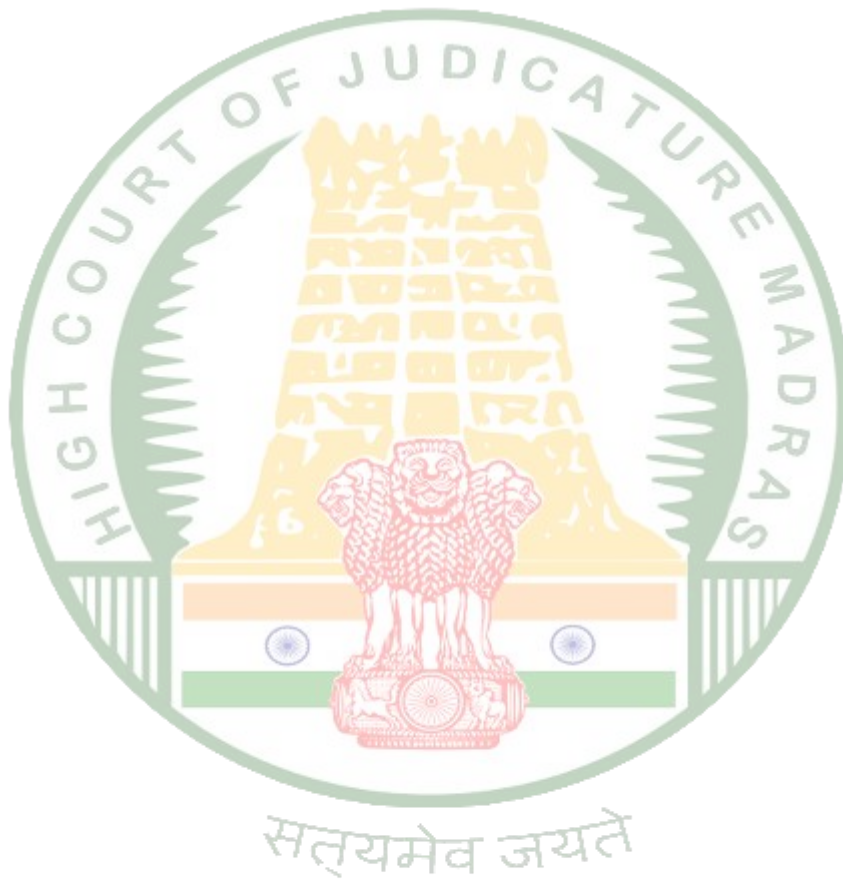
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