

RESERVED ON: 28.06.2019

DATED: 12.07.2019

Appln.(IP)No. 236 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, A.Mohan, No.44, Bazaar Street, Chinna Salem Po, Kallakurichi TK, Villupuram District, Tamil Nadu 606 201, to pay a sum of Rs.1,25,00,000/- 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. 1,25,00,000/- 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, substitute of service by way of paper publication was effected on 22.02.2018 pursuant to the order passed by this Court on 14.02.2018 and the second respondent was set ex-parte on 14.03.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, A.S.Velumani, Sub Assistant Registrar 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-5. Ex.A-1 is the certified copy of the relevant pages in Auditor Ranga Ramanujam's Report dated 01.04.2013; Ex.A-2 is the certified true copy of relevant page in Auditor Annamalai Associates' Report; Ex.A-3 is the certified true copy of the notice dated 15.03.2016 sent by Official Assignee; Ex.A-4 is the certified true copy of relevant entries in schedule of affairs (No.7) dated 24.05.2014; and Ex.A-5 is the certified true copy of relevant 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. 236 of 2016

in

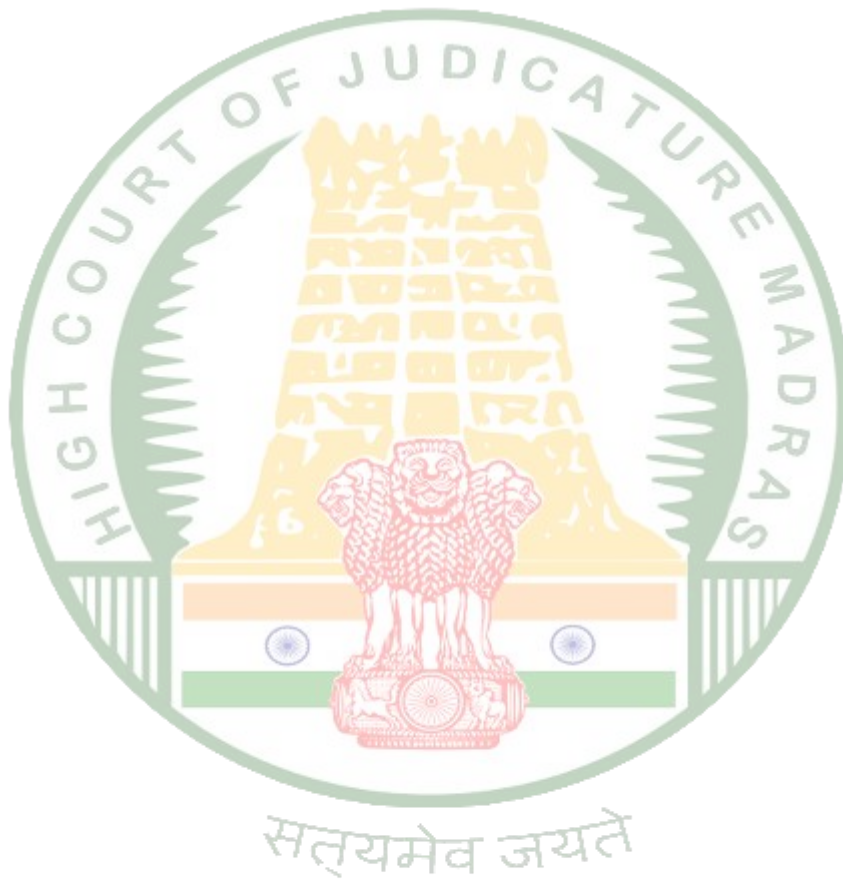
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