

Application(IP)No.54 of 2019  
in  
Appln.No.44 of 2018  
in  
I.P.No.25 of 2014

Dr.G.Jayachandran,J  
and  
Mr.C.V.Karthikeyan,J

This Application is filed by B.S.Suman Aggarwal under Order II, Rule 1 of Insolvency Rules R/w Section 7 of the Presidency Towns Insolvency Act praying to permit the applicant/creditor to bring the legal heirs of the deceased Insolvent/3<sup>rd</sup> respondent as 5<sup>th</sup> respondent Kancha Deepak @ Sangeetha in Application No.44 of 2018 in I.P.No.25 of 2014.

2. Originally, the application in A.No.44 of 2018 was taken up by B.S.Suman Aggarwal arraying the Official Assignee, Smt.Chitra Desai, Arujunlal Sunderdas and Sunil Lal as respondents. Now, on the death of the insolvent Arujunlal Sunderdas, this Application to bring the legal heirs of the deceased insolvent is filed. Under Section 93 of the Insolvency Act, once Insolvency Proceedings is initiated, the estate of the insolvent is taken care of by the Official Assignee. Death of insolvent will not abate the proceedings. Section 93 of the Presidency Towns Insolvency Act, 1909 reads as under:

"93. continuance of proceedings on death

of debtor:- If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive."

3. Therefore, the death of the insolvent has no significance and there is no necessity to bring the legal heirs of the deceased insolvent, when the estate of the insolvent is represented by the Official Assignee. Hence, this Application is dismissed.

[Dr.G.J.J.] [C.V.K.J.]

05.04.2019

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