

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

Friday, the 16th day of August, 2019

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

COMP.APPLN.NOS.249,250 & 251 OF 2019

IN

COMP.PETN.NO.78 OF 2008

In the matter of the Companies Act, 1956

and

In the matter of M/s.Visalakshi Mills (p) Limited
(In Liquidation)

C.P.No.78/2008:

K.R.Palaniappan,
Proprietor,
KRSA Karuppan Chettiar & Co.
No.443, K.K.Nagar, Madurai-625 020. .. Petitioner

Vs.

M/S.Visalakshi Mills Private Limited,
Vadipatti, Madurai District
... Respondent

C.A.Nos.249/2019:

M.Mani
S/o. Muthusamy
10 B, South Street,
Bodinayakanpatti,
Vadipatti Taluk,
Madurai District ..Applicant in C.A.No.249/2019

C.A.Nos.250/2019:

R.Maruthan
S/o. Raman Servai,
No.6, North Pettai Street,
Sholavandan,
Vadipatti Taluk,
Madurai District ..Applicant in C.A.No.250/2019

C.A.Nos.251/2019:

V. Perumal
S/o. Vairathevar
10 A, Railway Station Road,
Kulasekarankottai
Vadipatti Taluk,
Madurai District ..Applicant in C.A.No.251/2019

Vs

The Official Liquidator,
 High Court of Madras
 as the liquidator of
 Vishalakshi Mills Private Limited
 (in liquidation) ...Respondent in C.A.Nos.249,
 250 & 251/2019

Comp.A.Nos.249, 250 and 251/2019:

These company applications praying this court to set aside the adjudication order dated 26/03/2019 and consequently re adjudicate the claim Nos.997/78/2008/claims, 992/78/2008/claims and 1000/78/2008/claims respectively.

These Company Applications coming on this day before this Court for hearing in the presence of M/s.Manoharan Sundaram, Advocate for the Applicant herein, in Comp.A.Nos.249,250 & 251/2019 and of Mr.Bavisetty Sridhar, Deputy Official Liquidator, High Court, Madras, for the Respondent in Comp.A.Nos. 249, 250 & 251/2019 for the Respondent herein and upon perusing the Judge's Summons and affidavit of M.Mani, in C.A.No.249/2019, R.Maruthan, in C.A.No.250/2019 and Mr.V.Perumal in C.A.No.251/2019 filed herein, **the Court made the following order:-**

"These applications have been filed to set aside the adjudication order dated 26.03.2019 and consequently re-adjudicate the claim Nos.997/78/2008, 992/78/2008 and 1000/78/2008.

2. The learned counsel for the petitioners submitted that the pay order issued by the Pension department as well as Provident Fund Organisation has not been properly considered by the Official Liquidator. The learned counsel, therefore prayed to set aside the order dated 26.03.2019.

3. The learned Official Liquidator submitted that necessary proper documentary evidence has not been furnished by the Petitioner and hence, order dated 26.03.2019 has been passed.

4. I am of the view that the order dated 26.03.2019 has to be set aside for the reason that the Pension pay order and authorisation clearly indicates that the petitioners were working. Such being the position, admittedly, all the documents of the company is in the possession of the learned Official Liquidator. The learned Official Liquidator has to adjudicate the issue taking into consideration the documents available with him. Let the petitioner also be present before the Official Liquidator and identify the Serial Numbers and thereafter, the Official Liquidator has to decide the claim and adjudicate the claim and furnish the report within a period of three months from the date of receipt

of a copy of this order.

5. With the above Observations, the order dated 26.03.2019 passed in Claim Nos.997/78/2008, 992/78/2008 and 1000/78/2008 are set aside. Accordingly, Company Applications are closed.”

WITNESS, The Hon'ble SHRIMATI. VIJAYA KAMLESH
TAHILRAMANI, Chief Justice of Madras High Court,
aforesaid this the 16th day of August, 2019.

Sd/-

JOINT REGISTRAR(O.S)

//CERTIFIED TO BE A TRUE COPY//

DATED THIS THE DAY OF 2019.

COURT OFFICER.

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kV/09/09/2019

COMP.APPLN.NOs.249, 250
& 251 OF 2019
IN

COMP.PETN.NO.78 OF 2008

ORDER DATED:16.08.2019

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL ON: 09.09.2019

APPROVED ON: 12.09.2019

To:

The Official Liquidator,
High Court, Madras.