

Comp.A.No.1165 of 2010
in C.P.No.138 of 1996

M.SUNDAR, J.

Read this in conjunction with and in continuation of earlier order of this Court dated 29.03.2019 made in the instant application which reads as follows :

"Company under liquidation is 'Viswadharsan Distributors Private Ltd.', which shall hereinafter be referred to as 'said company'. The said company went into liquidation pursuant to a petition by a petitioning creditor 'Elegant Publicities'.

2. Be that as it may, instant application has been taken out by Employees Union, which goes by the name 'Spencer's Group Aerated Water Factory Employees Union'.

3. This application pertains to a property, which has been described as follows in the Judge's summons:

'Properties of the Company situated at Chithambakkam Village in Survey No.201/2, 201/4 in patta No.56 and in Survey No.201/1 in patta No.170 and in Lluppappatthu Village in Survey No.195/1 and 198/1 in para No.369 and in Survey No.195/3 in patta No.123'.

4. The short question that has to be decided is whether the said property belongs to the legal heirs of Ex-Directors of said company, who are respondents 4 to 7 in the instant application, or to the said company.

5. This necessarily has to be adjudicated upon for the liquidation process and the claims to move forward i.e., for being carrying to its logical end.

6. For this purpose, this matter will be listed before learned Master within one week from today i.e., by 05.04.2019 and all the parties concerned viz., the applicant Union, Official Liquidator and the legal heirs of the Ex-Directors of the said company, undertake to have the adjudication completed within four weeks therefrom.

7. The question of sale of said property can be decided only post adjudication and therefore, instant application is closed reserving the liberty of the applicant herein to revive the prayer, if the need arise subject to the outcome of the application.

8. This application is disposed of on above terms."

2.The question of sale of the property concerned will be decided by the Company Court as articulated in paragraph 4 of the said order.

3.Therefore, at the instance of, Mr.P.K.Baskar, learned counsel for fifth respondent, it is clarified that the term adjudication occurring in paragraph 6 will mean that learned Master will record evidence and send the evidence to this Court and any adjudication or decision will be taken by this Court as articulated in paragraph 7 of the earlier order. In all other respects, the earlier order will remain as it is.

05.04.2019
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