

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.Nos.769, 770 and 771 of 2011

K.Vijayakumar Gupta

... Appellant in all C.M.As

vs.

1.The Official Assignee
High Court, Chennai.

2.W.E.Victor Issac

3.Md.Nazir Ahmed

4.H.B.Mohammed Siddick

5.The District Revenue Officer,
Chennai.

... Respondents in all C.M.As

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 11 of the Tamil Nadu Protection of Interest of Depositors in Financial Establishments Act, 1997 (Act 44 of 1997) (TNPID Act of 1997) against the common decree and Judgment dated 10.12.2010 passed in O.A.SR.Nos.336, 338, 339 of 2010 in I.P.No.24 of 2001 on the file of the Learned Special Court, FAC Chennai under the TNPID Act, 1997.

In all C.M.As :

Appellant : Mr.V.Prabhu

For R1 : Mr.M.Vasanthakumar
Deputy Official Assignee
Hct, Ch-104

R2 to R4 : Given up

C O M M O N J U D G M E N T

The appellant is the petitioner in SR.Nos.336, 338 and 339 of 2010 in unnumbered OA in I.P.No.24 of 2001 before the Court of Special Judge under Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997. He filed the above SR petitions under Section 6 of the Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997 read with Section 7 of the Presidency Town and Insolvency Act, praying to permit him to take steps before competent civil / criminal courts to enforce his rights and claims in respect of the properties mentioned in the plaint and to recover the possession of the same.

2. The order passed by the learned Special Judge, Chennai in SR.No.339 of 2010 in unnumbered OA in IP.No.24 of 2001 is extracted hereunder:

"2. Since the petitioner / debtor herein is the respondent in IP.No.24 of 2001, which was dismissed for default way back on 09.09.2002, this petition by the Insolvent Debtor cannot be entertained. Hence, this petition is rejected."

The orders passed by the learned Judge in SR.Nos.336 of 2010 and 338 of 2010 in unnumbered OA in IP.No.24 of 2001 is also extracted hereunder:

"2. In view of the orders passed in SR.No.339 of 2010, this petition is also rejected."

Aggrieved over the orders passed by the learned Special Judge, Chennai, the appellant has filed the present appeals.

3. The appellant filed a memo giving up his claim against the respondents 2 to 4. The first respondent / Official Assignee also filed a memo stating that he is the custodian of the properties of the insolvent viz., M/s.Saravana Credit and Investments and he has initiated steps to sell the movables lying in the business premises of the insolvent. It is further stated that after deducting necessary expenses and administrative charges, a sum of Rs.7,35,638.80 is available for disbursement and that as per Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997 the proceedings pending before the Official Assignee were transferred to the learned Special Judge, City Civil Court, Chennai, on 25.06.2001 and that since the District Revenue Officer, Chennai is the competent authority, the available amount in the estate to a sum of Rs.7,35,638.80 was transferred to the District Revenue Officer, Chennai by way of Cheque bearing No.289822, dated 06.03.2009 and that the authority also received the Cheque on 12.03.2009.

4. In view of the same, the fifth respondent / District Revenue Officer, Chennai is directed to take necessary steps in this regard as expeditiously as possible. Accordingly, the Civil Miscellaneous Appeals are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl

To

1.The Special Judge under TNPID Act,
City Civil Court, Chennai.

2.The District Revenue Officer, Chennai.

Copy to:

1.The Official Assignee
High Court, Chennai-104.

2.The Section Officer,
VR Section, High Court, Madras.

CMA.Nos.769, 770 and 771 of 2011

RGN(CO)
CB(10/03/2020)



WEB COPY