

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (IN INSOLVENCY)
 FRIDAY, THE 12TH DAY OF JULY 2019
 THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
 AND
 THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
 APPLN.NO.169 OF 2017
 IN
 I.P. No.25 of 2014

In the matter of the Presidency
 Towns Insolvency Act, III of 1909
 and In the matter of
 Arjunlal Sunderdas

...Debtor

I.P.NO.25 OF 2014

Smt.Chitra Desai
 Residing at 3A-302, Oakland Park,
 Yamuna Nagar, Lokhandwala Complex,
 Andheri (West), Mumbai.

... Petitioning Creditor

-VS-

Mr.Arjunlal Sunderdas
 23, Anderson Road, Nungambakkam,
 Chennai-600 006.

... Respondent / Debtor

APPLN.NO.169 OF 2017

The Official Assignee,
 High Court, Madras

... Applicant

-VS-

1.Arjunlal Sunderdas
 23, Anderson Road, Nungambakkam,
 Chennai-600 006.

... 1st Respondent /
 Insolvent

2.Najamudeen Majeed,
 Barnas 8 Valliammal Road, Vepery,
 Chennai 600 007.

... 2nd Respondent

Application praying that this Hon'ble Court be
 pleased to direct the 2nd respondent to pay a sum of
 Rs.1,37,00,000/- with interest at 18% p.a. from 30.04.2013
 till date of realization with cost of the recovery
 proceedings.

The above application having been heard on
 28.06.2017 in the presence of Mr.K.V.Ananthakrushnan,
 advocate for the Official Assignee, the applicant herein;

and the 2nd respondent having been set ex-parte on 25.01.2018; and upon reading the Judges Summon and Report of the Official Assignee filed herein; and upon perusing the evidence adduced herein and the exhibits marked thereon; and this Court having stood over for consideration till this day and coming on this day before this court for orders in the presence of this said advocate; and

IT IS ORDERED :-

That the 2nd respondent be and is hereby directed to pay a sum of Rs.1,37,00,000/- (Rupees One Crore Thirty Seven Lakhs only) with interest at 18% p.a. from 30.04.2013 till date of realization with cost of the recovery proceedings.

WITNESS, THE HON'BLE SHRIMATI, VIJAYA KAMLESH TAHILRAMANI, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 12TH DAY OF JULY, 2019.

सत्यमेव जयते

SD/-

SSISTANT REGISTRAR
Original Side - I

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DATED THIS THE DAY OF 2019

MANAGER
INSOLVENCY OFFICE

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HIGH COURT, MADRAS

APPLN. No.169 OF 2017

IN

I.P.NO.25 of 2014

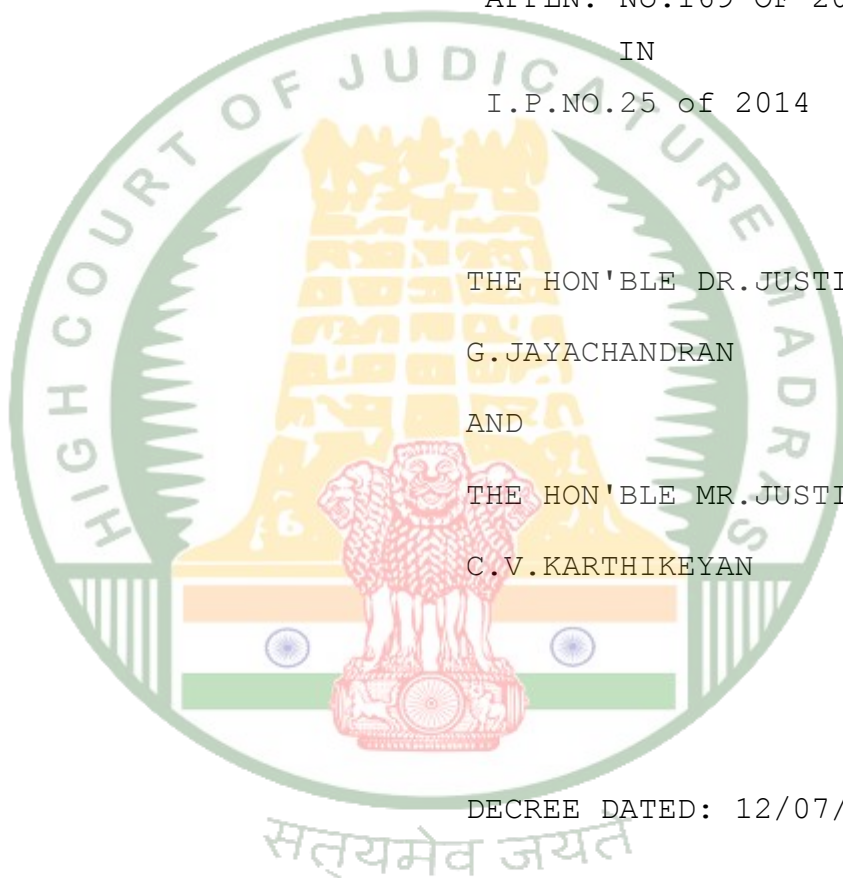
THE HON'BLE DR.JUSTICE

G.JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE

C.V.KARTHIKEYAN



DECREE DATED: 12/07/2019

WEB COPY FOR APPROVAL: 30/07/2019
APPROVED ON : 30/07/2019

COPY TO:-

The Official Assignee,
High Court, Madras.

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1.Arjunlal Sunderdas
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2.Najamudeen Majeed,
Barnas 8 Valliammal Road, Vepery,
Chennai 600 007. ... 2nd Respondent

Application praying that this Hon'ble Court be
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till date of realization with cost of the recovery
proceedings.

The above application having been heard on 28.06.2017 in the presence of Mr.K.V.Ananthakrushnan, advocate for the Official Assignee, the applicant herein; and the 2nd respondent having been set ex-parte on 25.01.2018; and upon reading the Judges Summon and Report of the Official Assignee filed herein; and upon perusing the evidence adduced herein and the exhibits marked thereon; and this Court having stood over for consideration till this day and coming on this day before this court for orders in the presence of this said advocate; and

THE COURT MADE THE FOLLOWING ORDER :

This application had been filed by the Official Assignee seeking a Judgment and Decree against the second respondent, Najamudeen Majeed, Barnas 8 Valliammal Road Vepery, Chennai - 600 007, to pay a sum of Rs.1,37,00,000/- with interest at 18% p.a., from 30.04.2013 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. 1,37,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 30.04.2013. It was also stated that this amount was reflected in the accounts.

There has been no subsequent transaction to prove discharge.

second respondent to pay the amount.

3. On 28.03.2018 Ms. C.Sangamithirai, learned counsel undertook to file vakalat for the second respondents and undertook to file counter affidavit. When the matter came up for hearing on 11.04.2018, there is no representation on behalf of the second respondent. Counter has also not been filed. Hence, the second respondent was set ex-parte on 25.01.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Padma, Sub Assistant Registrar attached to the office of the Official Assignee, High Court, Madras, filed proof affidavit and was examined as PW-1. She filed Exs. A-1 to A-6. Ex.A-1 is the photocopy of the relevant page in Auditor Ranga Ramanujam's Report; Ex.A-2 is the photocopy of the notice dated 28.04.2016 sent by Official Assignee with Acknowledgment Card in respect of Rs.25 Lakhs; Ex.A-3 is the photocopy of enquiry notice dated 31.05.2016 sent by Official Assignee with Acknowledgment Card in respect of Rs.25 lakhs; Ex.A-4 is the photocopy of the letter dated 07.04.2017 sent by the counsel for the Insolvent to the Official Assignee; Ex.A-5 is the photocopy of the statement of Borrowers given by the Insolvent; and Ex.A-6 (Series 2 Nos.) are the photocopies of the statement

5. In view of the above evidence, this Application is allowed and a decree is passed accordingly against the second respondent as prayed for.

WITNESS, THE HON'BLE SHRIMATI, VIJAYA KAMLESH
TAHILRAMANI, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID
THIS THE 12TH DAY OF JULY 2019.

SD/-
ASSISTANT REGISTRAR
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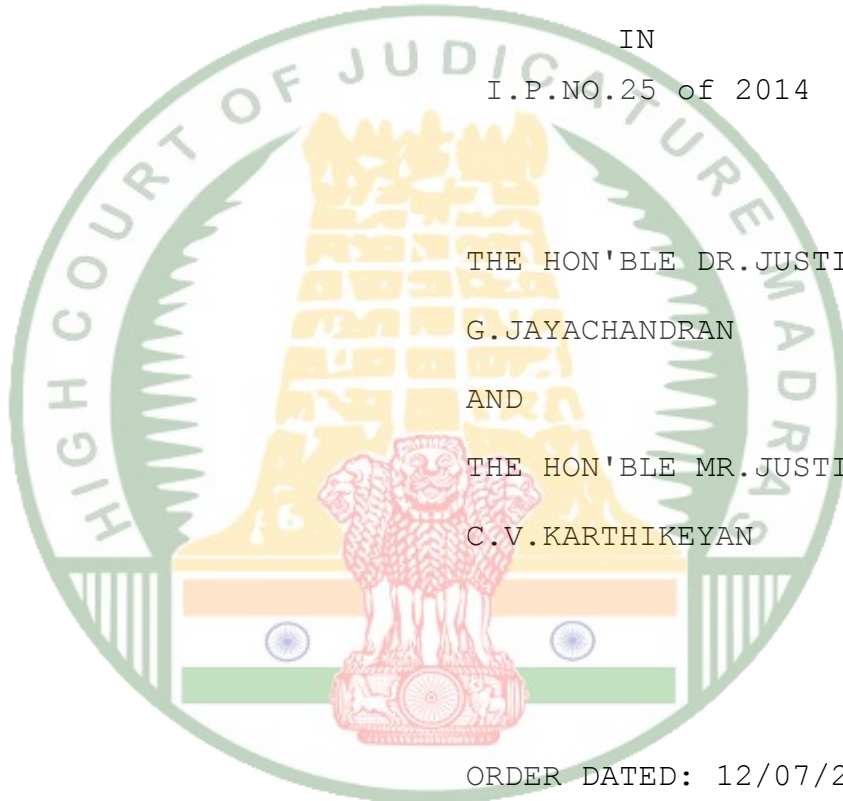
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G.JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE

C.V.KARTHIKEYAN



ORDER DATED: 12/07/2019

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FOR APPROVAL: 30/07/2019

APPROVED ON : 30/07/2019

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