

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.177 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.177 OF 2017

The Official Assignee,
 High Court, Madras

... Applicant

-VS-

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

... 1st Respondent /
 Insolvent

2.Subhash S.Jain,
 39, Ethiraj Lane Off,
 Ethiraj Salai, Chennai 600 105.

... 2nd Respondent

Application praying that this Hon'ble Court be
 pleased to direct the 2nd respondent to pay a sum of
 Rs.5,00,000/- 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
 28.06.2019 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 14.03.2018; 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 the said advocate and

IT IS ORDERED :-

That the 2nd respondent be and is hereby directed to pay a sum of Rs.5,00,000/- (Rupees Five 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/-

ASSISTANT REGISTRAR

Original Side - I

//CERTIFIED TO BE TRUE COPY//

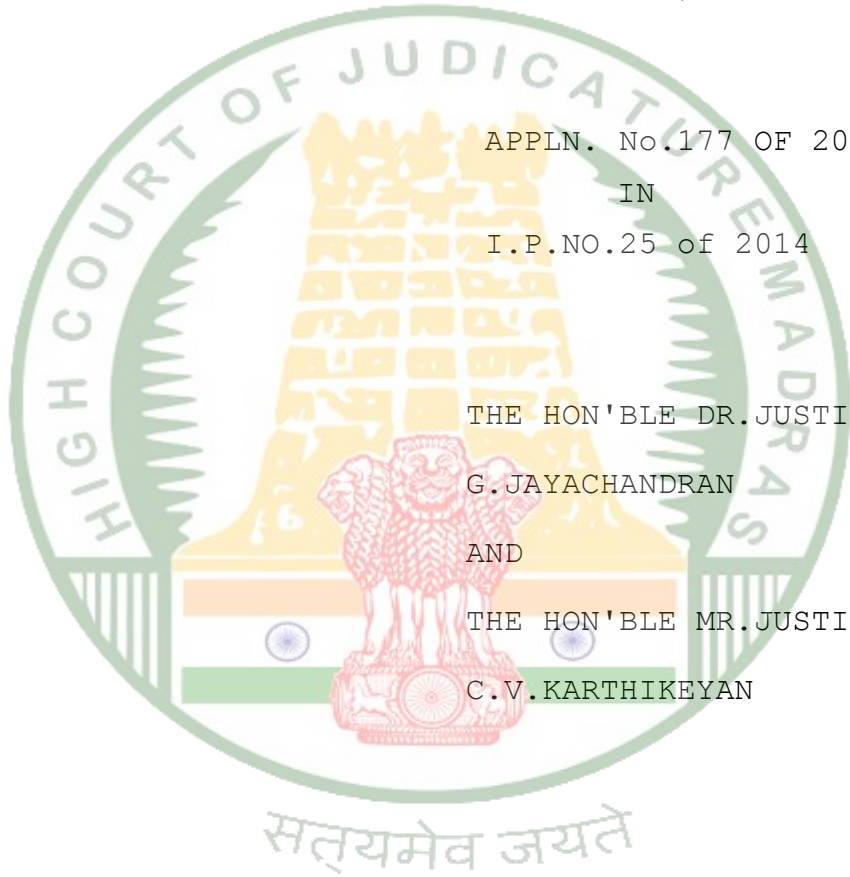
DATED THIS THE DAY OF 2019

MANAGER
INSOLVENCY OFFICE

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HIGH COURT, MADRAS



APPLN. No.177 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: 31/07/2019

APPROVED ON : 31/07/2019

COPY TO:-

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High Court, Madras.

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and the 2nd respondent having been set ex-parte on 14.03.2018; 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 the 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, Subhash S. Jain, 39, Ethiraj Lane Off, Ethiraj Salai, Chennai 600 105, to pay a sum of Rs.5,00,000/- 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.5,00,000/- 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. The Official Assignee had issued notice calling upon the second respondent to pay the amount.

3. Notice was directed to the second respondent in this application. Notice had been returned as unserved. Hence, substitute of service by way of paper publication was

effected on 22.02.2018 pursuant to the order passed by this Court on 14.02.2018 and the second respondent was set ex-

parte on 14.03.2018. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Parameswari, Assistant Section Officer 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-3. Ex.A-1 is the true copy of the relevant pages in the Auditor Ranga Ramanujam Report dated 16.02.2013; Ex.A-2 is the Notice dated 13.02.2017 sent by Official Assignee to Subhash S.Jain; and Ex.A-3 is the letter dated 07.04.2017 sent by Insolvent's counsel to the Official Assignee with additional list of debtors.

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/-

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ORDER DATED: 12/07/2019

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