

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(IN INSOLVENCY)

FRIDAY, THE 26TH DAY OF APRIL 2019

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

APPLN.NO.91 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.91 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.Lakshman Vummidi,
First Floor, Aruthra Apartments,
No.18, Habibullah Road,
T.Nagar,
Chennai-600 017.

... 2nd Respondent

Application praying that this Hon'ble Court be pleased to direct the 2nd respondent to pay a sum of Rs.25,00,000/- with interest at 18% p.a. From 23.12.2013 till date of realization with cost of the recovery proceedings.

This above application coming on this day before this court for hearing in the presence of Mr.K.V.Ananthakrushnan, advocate for the Official Assignee of this Court, the applicant herein; the 2nd respondent herein not appearing in person or by advocate and the 2nd respondent having been set ex-parte; 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 observed that the Official Assignee had stated that the second respondent had received a sum of Rs.25,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 22.02.2013 and it was also stated that this amount was reflected in the accounts and there has been no subsequent transaction to prove discharge and

IT IS ORDERED :-

<https://hcservices.ecourts.gov.in/hcservices/> That the 2nd respondent be and is hereby directed to pay a sum of Rs.25,00,000/- with interest at 18% p.a. From

23.12.2013 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 26TH DAY OF APRIL 2019.

SD/-

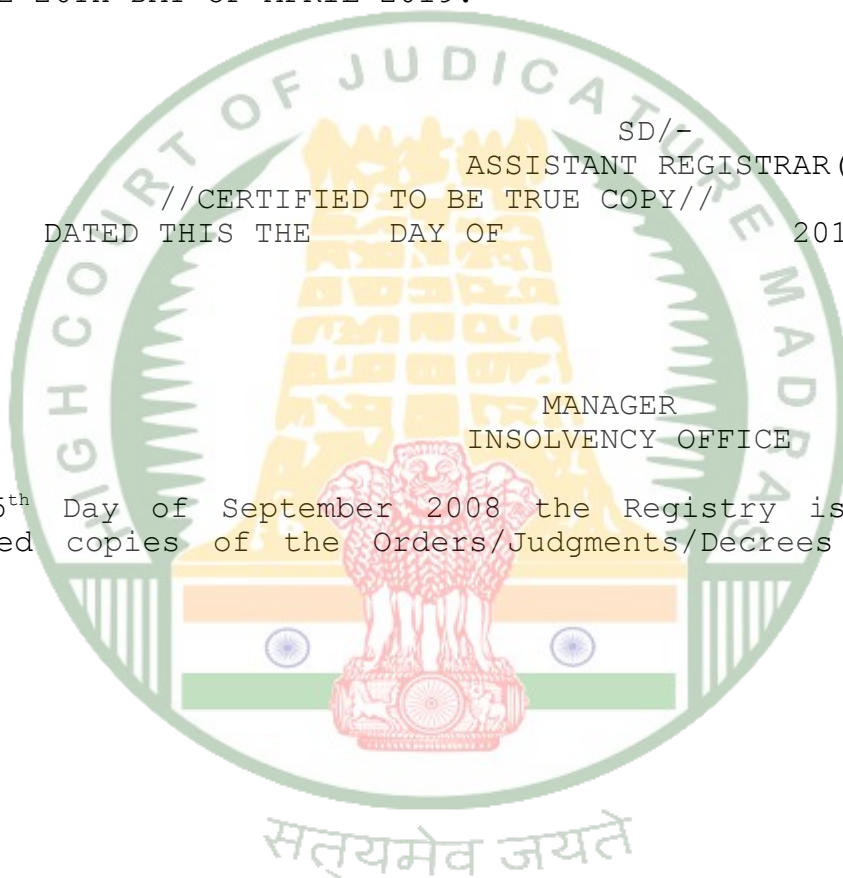
ASSISTANT REGISTRAR(OS-I)

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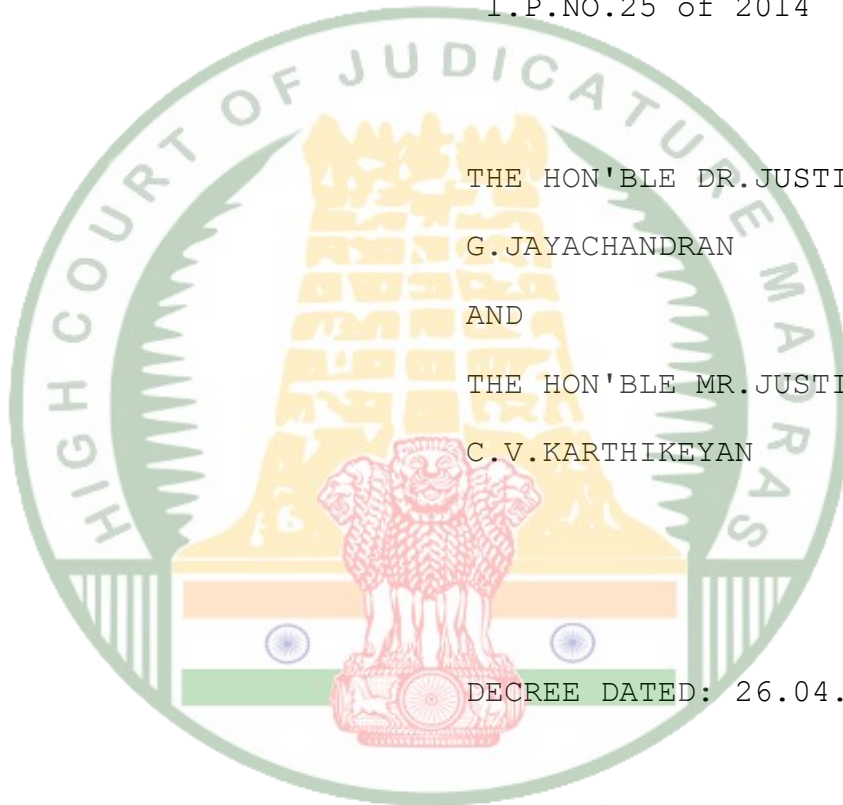
cns-29.04.2019

HIGH COURT, MADRAS

APPLN. No.91 OF 2017

IN

I.P.NO.25 of 2014



DECREE DATED: 26.04.2019

सत्यमेव जयते

FOR APPROVAL: 29/04/2019

APPROVED ON : 29/04/2019

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COPY TO:-

The Official Assignee,
High Court, Madras.

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-VS-

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... 2nd Respondent

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This above application coming on this day before this court for hearing in the presence of Mr.K.V.Ananthakrushnan, advocate for the Official Assignee of this Court, the applicant herein; the 2nd respondent herein not appearing in person or by advocate and the 2nd respondent having been set ex-parte; 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

THE COURT MADE THE FOLLOWING ORDER :-

This application had been filed by the Official Assignee seeking a Judgment and Decree against the second respondent, Lakshman Vummidi, First Floor, Aruthra Apartments, No.18, Habibullah Road, T.Nagar, Chennai - 600 017, to pay a sum of Rs.25,00,000/- with interest at 18% p.a., from 23.12.2013 till date of realisation with cost of the recovery proceedings.

2. The Official Assignee had stated the second respondent had received a sum of Rs. 25,00,000/- from the first respondent/insolvent Arjunlal Sunderdas, which was shown as due and outstanding as on 22.02.2013. 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 dated 03.05.2018 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. There was no representation on behalf of the second respondent and therefore, the second respondent was set ex-parte. Thereafter, the applicant was directed to take evidence.

4. Accordingly, R.Parameswari (P.W.1) filed proof affidavit on behalf of the Official Assignee reiterating the averments made by the Official Assignee in support of the application and filed Exs. A-1 to A-4. Ex.A-1 was the true copy of the relevant pages from Auditor Ranga Ramanujam's Report dated 01.04.2013; Ex.A-2 is the true copy of Relevant page in Auditor Annamalai Associates' Report; Ex.A-3 is the true copies of Relevant entries in Schedule of Affairs (No.39) dated 24.05.2014; and Ex.A-4 is the true copy of

5. In view of the above evidence, this Application is allowed and the 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 26TH DAY OF APRIL 2019.

SD/-

ASSISTANT REGISTRAR(OS-I)

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ORDER DATED: 26.04.2019

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FOR APPROVAL: 29/04/2019

APPROVED ON : 29/04/2019

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