

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.12.2019

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

A.No.180 of 2019
in I.P.No.19 of 2017

Mr.P.Sathiyamoorthy

.. Applicant/
Respondent Debtor

Vs.

1.M/s.Thangam Agencies
Rep. by its Partner
Mr.B.V.Thangavel
140/221, E.B.P.Nagar
Manickampalayam
Veerappan Chattaram (P.O)
Erode - 638 004.

.. 1st Respondent/
Petitioning Creditor

2.The Official Assignee
High Court, Madras.

.. 2nd Respondent

This application is filed under Order II Rule 1 of the Insolvency Rules read with Section 21 of the Presidency Towns Insolvency Act, praying to record full satisfaction in the matter and pass an order annulling the order of adjudication dated 05.02.2018 in I.P.No.19 of 2017.

For Applicant : Ms.M.Lulu Mariam

For Respondent : Ms.M.Nila for
Mr.S.V.Parvin Rathinam for R1
Mr.M.Vasantha Kumar
Deputy Official Assignee for R2

ORDER

Instant application has been taken out by the respondent debtor in the main 'Insolvency Petition' ('IP' for brevity) with a prayer for annulling the order of adjudication dated 05.02.2018 made in main IP., wherein and whereby, the respondent debtor was adjudicated as insolvent and estate of the debtor was vested with the general body of creditors qua the debtors.

2. Parties in this application shall be referred to by their respective ranks in the main IP for the sake of convenience and clarity. In other words, applicant herein shall be referred to as respondent debtor, first respondent herein shall be referred to as petitioning creditor and second respondent is the Official Assignee attached to this Court.

3. Ms.M.Lulu Mariam, learned counsel on record for respondent debtor, Ms.M.Nila, learned counsel representing the counsel on record for petitioning creditor and Mr.M.Vasanth Kumar, learned Deputy Official Assignee, attached to this Court, are before this Court.

4. Attention of this Court is drawn to paragraph 6 of the affidavit filed in support of the instant application, which reads as follows:

'6. I submit that I shall also pay the necessary charges to the

Official Assignee. I further state that there are no other creditors against this applicant to the best of my knowledge and belief.'

5. Today, this Court is informed that necessary charges have been paid to the Official Assignee. In the light of the averment that there are no other creditors qua respondent debtor in the main IP, prayer in instant application for annulling the order of adjudication dated 05.02.2018 in I.P.No.19 of 2017 is acceded to and instant application is ordered as prayed for.

6. In the light of this order, main IP stands annulled/closed.

vsm

13.12.2019

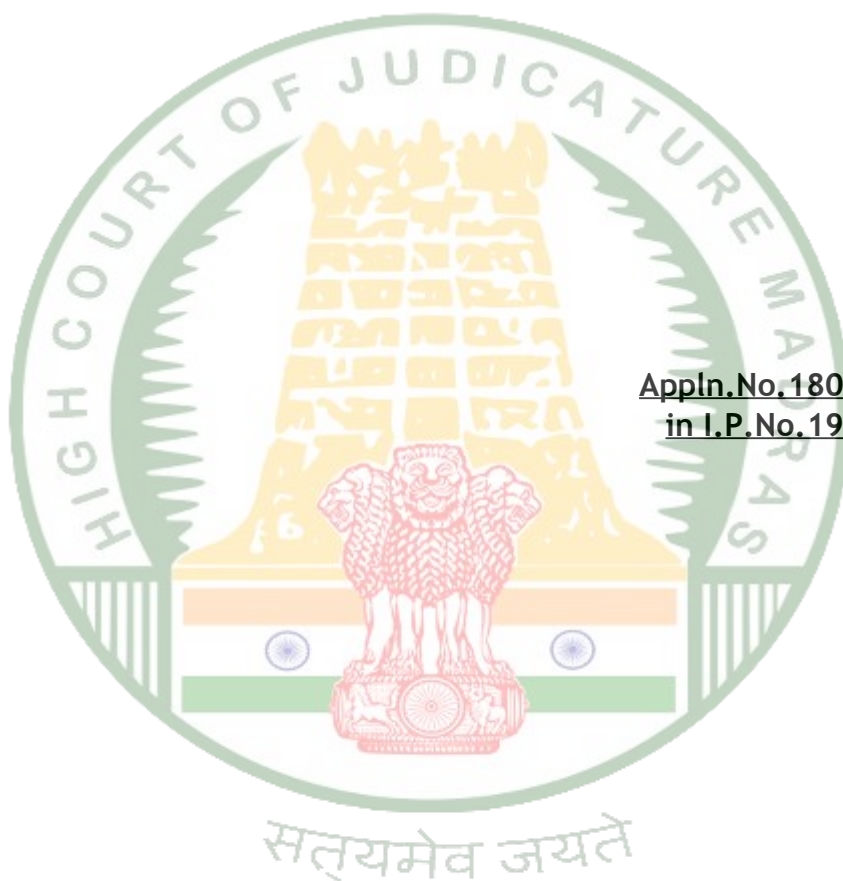


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M.SUNDAR, J.

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