

Comp.A.No.428 of 2019
in
C.P.No.101 of 1994

SENTHILKUMAR RAMAMOORTHY, J

This application is filed to condone the delay of 212 days in filing the application to challenge the adjudication order dated 27.03.2019 in Claim No.158/CP No.101/94.

2. I heard the learned counsel for the applicant and the learned Deputy Official Liquidator.

3. The learned counsel for the applicant submitted that the delay in filing of this application is on account of filing of an application in C.A.No.386 of 2019 before this Court instead of filing an application challenging the order of adjudication. He further submitted that the applicant Bank was under *bona fide* impression that the Official Liquidator would pay the balance amount because surplus money was available after satisfying all the claims. On the above basis, he requested that the delay in filing the present application be condoned.

4. The Deputy Official Liquidator submitted that the adjudication was done by following the relevant procedures and that the application to set aside the adjudication is not maintainable.

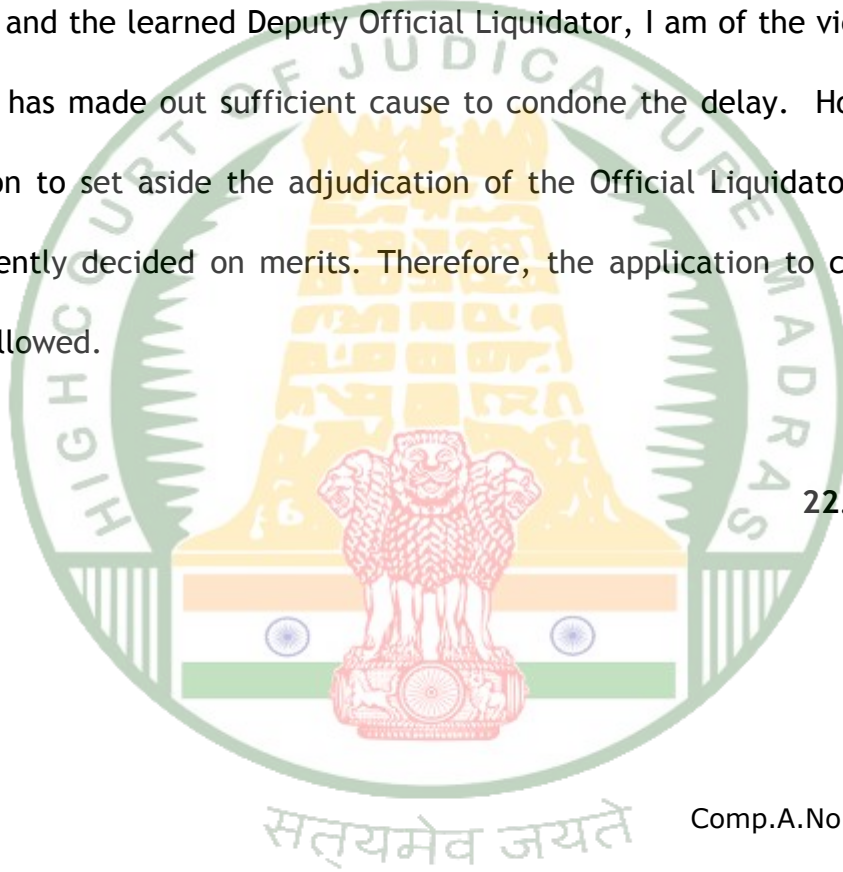
SENTHILKUMAR RAMAMOORTHY, J

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5. Upon considering the submissions of the learned counsel for the applicant and the learned Deputy Official Liquidator, I am of the view that the applicant has made out sufficient cause to condone the delay. However, the application to set aside the adjudication of the Official Liquidator has to be independently decided on merits. Therefore, the application to condone the delay is allowed.

22.11.2019

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