

Comp.A.No. 117 of 2020 in
C.P.No.123 of 2013

M. SUNDAR. J.,

'Swathy Smart Cards Hi-Tech Private Limited' (hereinafter 'said company' for the sake of brevity) is the company now under liquidation in main company petition, at the instance of a petitioning creditor viz., 'Verizon India Private Limited' (hereinafter 'petitioning creditor company' for clarity).

2. Official Liquidator attached to this Court, who has taken charge *inter alia* of assets of said company took out an application with a prayer to direct respondents 1 to 3 in Company Application No.21 of 2019 to deliver accounts, statutory registers, returns, other records and assets of said company set out in judges summons. Learned Deputy Official Liquidator submits that a typographical error had crept in, respondents 1 and 3 should read as respondents 1 to 3. To be noted, respondents 1, 2 and 3 in company application No.21 of 2019 were Directors in said company. To be noted, respondents 1 and 2 are spouses and respondent No.3 is their son.

3. Owing to the trajectory Company Application No.21 of 2019 took,

learned predecessor Judge issued a warrant of arrest qua respondents 1 and 3 on 31.01.2020.

4. On coming to know about the warrant issued by this Court, respondent No.1 i.e., M.Sekar (S/o. G. Manickkam) is present before this Court today and he is represented by his counsel Mr.R.Nalliyappan.

5. Instant application i.e., Comp.A.No.117 of 2020 has been taken out with a prayer to recall the warrant with regard to Mr.M.Sekar and Mr.M.Sekar's son Shri. Nishant. It is submitted that Nishanth's mobility is highly restricted and this is articulated in paragraph 5 of the affidavit filed in support of the instant recall warrant application, which reads as follows:

' 5. I humbly submit that the 2nd petitioner is my son accidentally fell down and thereby he suffered with pelvic fracture on 30.01.2020 and for which a surgery also performed and plate was implanted and taken treatment for more than ten days as inpatient at Bangalore Orthopaedic and Surgical Hospital at Bangalore and now he is not in a position to walk, sit

or stand. Further, by Ambulance only he is used to take to the Hospital for routine checkup. While taking treatment in the Hospital only in the above said application this Hon'ble Court seems to have issued non-bailable warrant against this petitioners and directed the Inspector of Police, Alagapuram Police Station to secure and produce the petitioner before this Hon'ble Court.

6. Mr.M.Sekar was directed to go before Assistant Registrar, O.S. -I, for ascertaining his identity and the report sent by Assistant Registrar, O.S. -I, is as follows:

'It is respectfully submitted that as per the direction of this Hon'ble Court, the 1st respondent in Comp. A. 21 of 2019 and 1st Applicant in Comp.A.No.117 of 2020 viz., M.Sekar was present along with his counsel Mr.R. Nalliappan before the Assistant Registrar, Original Side – I, High Court, Madras today at 12.30 p.m. i.e., on 13.03.2020 for ascertaining the identity of the individual, viz., M. Sekar. The identity of the respondent was ascertained

by verifying the Aadhaar Card issued by the Government of India and the self attested photocopy of the Aadhaar Card was obtained from him and the counsel for the respondent also affixed his signature.

I submit that the identity of the individual is ascertained and found to be true and genuine, The attested copy of the Aadhaar Card in respect of the respondent viz., M.Sekar is submitted for your Lordship's kind perusal.

Most Respectfully Submitted

sd/-

13.03.2020

Assistant Registrar, O.S. -I'



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13/03/2020
(M. Sekar)

7. Mr.R.Nalliyappan, learned counsel for applicants submits that the first applicant and his spouse Smt.S. Vijayalakshmi would go over to the office of the Official Liquidator on Monday i.e., 16.03.2020 by 11.00 a.m. and provide all assistance required regarding carrying the company petition to its logical end i.e., liquidation of said company, which is now underway. This submission is recorded and all concerned will remain bound by this submission. Learned counsel also, on instructions, submits that Mr. M. Sekar and his spouse would go over to the office of the Official Liquidator whenever required with regard to liquidation of said company in the days to come. This submission is also recorded.

8. In the light of this narrative, warrant of arrest issued by Hon'ble predecessor Judge on 31.01.2020 is recalled and this application is ordered on above terms.

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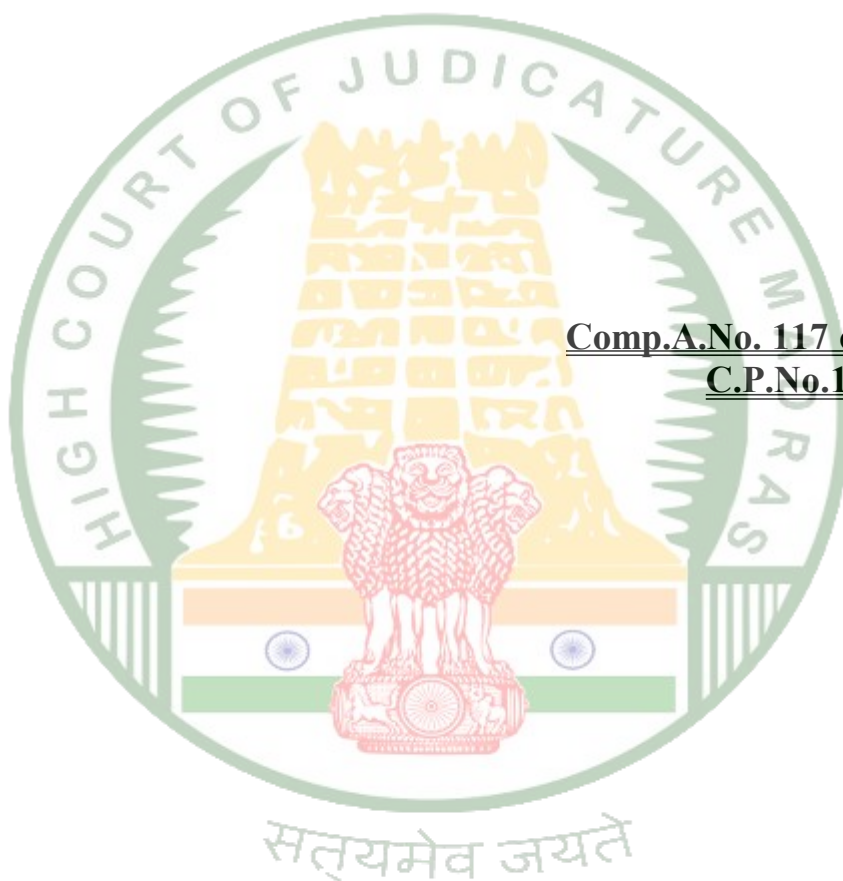
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