



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2020

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P.(MD)No.294 of 2020

1.R.Seenivasan

2.S.Pushpa

.. Petitioners

Vs.

1.Bajaj Finance Ltd.,
Managing Office at,
4th Floor, Door No.208/1-B,
I.T. Park, Back side,
Viman Nagar,
Pune - 411 014.

2.Visage Holding & Finance Pvt. Ltd.,
50, 2nd Floor, 100 Feet Road,
Hall 2nd Medai, Indira Nagar,
Bangalore - 560 038.

3.V.P.P.Vallikutti Nadar

4.Saravanan Store,
Cotton Market,
Rajapalayam.

5.Srirajammal Agency,
No.8E, Main Road,
Sankaran kovil via,
Thiruvankadam - 627 719.

6.Athilakshmi Cotton Mill,
134/A, Illuppaiyurani,
Sathoor Road,
Kovilpaatti - 628 501.

7.Vamsathara Cotton Industries,
Janapadu, Piduguralla (M.D.),
Kundoor District - 522 413.

8.T.S.R.Cotton Jinning Mill,
Near TSR Edai Nilayam,
Pondhapadu Cross Road,
NH - 5, Kundoor - 522 005.



9.Kamatchi Cotton Corporation,
Door No. 7 - 10, Pinnellir (V),
Machavaram (M),
Kundoor - 522 435.

10.Sriragava Cotton Traders,
Door No.19-9, 176/L, Bye-Pass,
Pondhapadu Cross Road,
NH-5, Kundoor.

11.Karthikeya Cotton Enterprises,
Door No.4-2-17,
Balavengaiyamma Street,
Sattanapalli, Kundoor.

12.Lakshmi Srinivasa Cotton Traders,
Suriyathevarpada, Eduvoora Road,
Kundoor - 522 003.

13.GMK Cotton Traders,
Door No.19-3-57, Padar Thivari Road,
Edukuru Road,
Kundoor.

14.Gokul Cotton Traders,
Door No.12-83/A, Vinjanampadu,
Vattisarkuru, Kundoor.

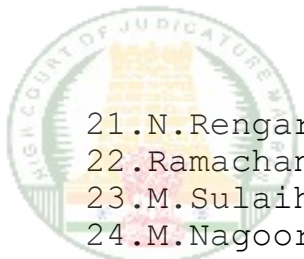
15.Vijayalakshmi Spinners,
Door No.4-1-46/1, 3rd Lane,
Naidupet, Koridapadu Near,
Kundoor.

16.Sripathevallapa Cotton Traders,
Door No.50-51, Nasarapalli village,
Kokkiralathonda Near,
Nagarjunasahar Road,
Sinthapalli, Nalkonda (District),
Telungana - 508 250.

17.Goyal Expellar Industries,
32-R, Industrial Area - B,
Millar Kanch, Luthiyana - 141 003.

18.V.S.Traders,
529, Pasant Avenue,
Dukiri, Luthiyana - 141013.

19.S.Aruljothi,
20.R.Dharmalingam



- 21.N.Rengaraj
- 22.Ramachandran
- 23.M.Sulaiha Beevi
- 24.M.Nagoorammal
- 25.Kanthasamy
- 26.Muthukrishnan
- 27.Maheshwari
- 28.Perumal
- 29.Renganathan
- 30.Seven Sees Polymers Pvt. Ltd.,
Madurai,
37/A1, Madakulam Main Road,
GRT Hotel Near, Palanganatham,
Madurai - 625 003.
- 31.Lingam & Co,
Madurai,
61 - A, 'Lingam Tower',
South Car Street,
Madurai - 1.
- 32.KVN.Impacks Pvt. Ltd.,
Madurai,
Door no.103/3, Melakkal Main Road,
Passport Office Opposite,
Madurai - 621 044.

.. Respondents

Prayer: This Civil revision petition is filed under Article 227 of Constitution of India, to set aside the direction of the learned Sub Judge, Virudhunagar dated 17.12.2019 and to take the insolvency petition on file and numbering the same vide filing No.IP/1010/2019 filed on 28.08.2019(CNR No. TNVR010011272019).

For Petitioner

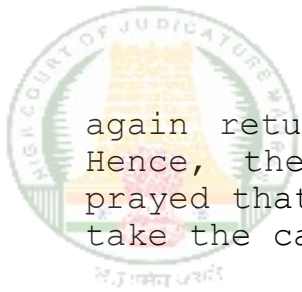
: Mr.G.Mariappan

ORDER

Heard learned counsel appearing for the petitioner.

2.This Civil Revision Petition has been filed to take the insolvency petition on file and numbering the same vide filing No.IP/1010/2019 filed on 28.02.2019 (CNR No. TNVR010011272019) dated 17.12.2019, on the file of the learned Sub Judge, Virudhunagar.

3.On the side of the petitioner, it is stated that the petitioner filed an insolvency petition before the Principal District Court, Virudhunagar but the petition was returned to be presented before the proper Court. When the petitioner filed the petition before the Sub Court, Virudhunagar, the learned Sub Judge



again returned the petition to be filed before the proper forum. Hence, the petitioner filed this petition before this Court and prayed that the learned Sub Judge, Virudhunagar is to be directed to take the case on file irrespective of the pecuniary jurisdiction.

4.As per Section 3 of the Provincial Insolvency Act, 1920, the District Court shall be the Court having jurisdiction under this Act and by notification in the official gazette, invest any Court subordinate to a district Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the district Court under this Act.

5.It is seen that the money involved is Rs.3,70,00,000/- (Rupees Three Crores and Seventy Lakhs only) and the District Court is having original jurisdiction and hence, the learned Principal District Judge, Virudhunagar is hereby directed to number the insolvency petition and to proceed with the case in accordance with law.

6.Accordingly, this Civil Revision Petition is allowed. No Costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

To

1.The Principal District Judge, Virudhunagar.

2.The Sub Judge, Virudhunagar.

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-7381[F] dated 20/02/2020)

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