

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPLICATION No. 680 of 2018

ORDER:

This Application is filed seeking to direct the Official Liquidator to vacate the schedule premises i.e. Flat No.102, Ashwini Homes, Plot No.53, admeasuring 300 square feet, Behind Andhra Jyothi, Journalist Colony, Road No.70, Jubilee Hills, Hyderabad, as the lease to the Company in liquidation has expired on 13.07.2016.

The applicant asserts that he is the owner of the premises bearing plot No.53 in survey No.403, admeasuring 716.84 square yards, situated at Ashwini layout, near Padmalaya Studios, Shaikpet Village, Hyderabad and Flat No.102, Ashwini Homes, total area of 1420 square feet in the said plot, having purchased the same from M/s. Sri Raghavendra Constructions and others, *vide* registered sale deed dated 26.04.2004; that he had executed a rental agreement in respect of the subject premises on 31.01.2015 in favour of respondent No.2-M/s.Kanaka Mahalaxmi Impex Private Limited, who, in turn, with his consent leased it to respondent No.1-M/s.South Asian Agro Industrial Limited *vide* lease deed dated 14.07.2015 and that since the lease had expired on 13.07.2016, the owner is pressing for vacating the premises and not willing to extend the lease and a letter dated 19.09.2017 was addressed to the Official Liquidator to that effect.

In the counter-affidavit filed by the Official Liquidator, it is stated that the Company in liquidation had obtained the subject premises from respondent No.2.

In the facts of the present case, there is no dispute that the applicant is the owner of the subject premises, who has leased out the same to respondent No.2, who, in turn, had sub-leased it to the Company in liquidation. In other words, the lease amount, if any, is payable by the Company in liquidation to respondent No.2 from whom the subject premises has been taken on lease. There being no activity of the Company in liquidation as on date, no useful purpose would be served by retaining the subject premises of the applicant.

Therefore, the Company Application is allowed and the Official Liquidator is directed to handover the subject premises to the owner by removing any objects or materials belonging to the Company in liquidation therefrom. The Official Liquidator shall complete the entire exercise within two weeks from the date of receipt of a copy of this order.

CHALLA KODANDA RAM, J

Dt:03.01.2020

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