

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CP No. 169 of 2008 (O & M)

Date of decision : 26.2.2020

Sukhwinder Kaur

.....Petitioner

Vs.

Official Liquidator and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. A.S. Narang, Advocate, for the petitioner

Mr. Aseem Aggarwal, Advocate with
Mr. O.P. Sharma, Official Liquidator

Mr. Rohan Mittal, Advocate
for respondent No.3-Punjab & Sind Bank

Rajbir Sehrawat, J. (Oral)

The prayer made in the petition is for award of compensation/damages in favour of the petitioner, to be paid by respondent No.1, to the tune of Rs.10,92,471/-as on 28.2.2004, i.e. the sum claimed by respondent No.3-Bank from the petitioner, in execution of decree dated 12.11.1997 passed by this Court in CP No. 50 of 1993.

The petitioner is neither a secured creditor nor un-secured creditor, nor his any other claim is subject matter of the liquidation petition against the respondent company as such. Hence, the present petition, seeking determination of compensation/damages in favour of the petitioner from the liquidator is totally not maintainable.

Needless to say that the perception of the petitioner, on which the petition is based, is that the Official Liquidator had not distributed the funds to the secured creditors despite having funds with him. However, since even the

claims were not ordered to be invited by this Court, nor any such claim was ever invited by the Official Liquidator, therefore, the money could not have been paid to any secured creditor as such. The default could have been attributed to the Official Liquidator, only if the claims were admitted by the Court and were ordered to be paid to the competing claimants, and despite that the Official Liquidator would not have paid these claims. No such eventuality has ever happened in this case.

The petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

26.2.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No