

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(IN INSOLVENCY)

MONDAY, THE 27TH DAY OF SEPTEMBER 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

APPLN.NO.204 OF 2019

IN

I.P. No.94 of 2010

In the matter of Presidency Towns
Insolvency Act 1909

and

In the matter of

1. S.M.Maria Dorch

2. Mrs.Annie Medona

- Debtors

I.P. No.94 of 2010

1. S.M.Maria Dorch,
S/o. Soosai Marian,

2. Mrs.Annie Medona,
W/o.S.M.Maria Dorch,
Both are residing at
New No.104 and Old No.69,
1st Floor, 5A, Karaneeswaran
Koil Street, Mylapore,
Chennai-600 004.

... Petitioners / Debtors

APPLN.NO.204 OF 2019:

1.S.M. Maria Dorch,
S/o. Soosai Marian

2.Mrs.Annie Medona,
W/o. S.M. Maria Dorch,

Both are residing at Flat No.7,
No.11, Papanasam Sivan Salai,
Mylapore, Chennai – 600 004.

...Applicants/Insolvents 1 & 2

-Vs-

The Official Assignee,
High Court, Madras – 600 104.

...Respondent

Application praying that this Hon'ble court be pleased to grant unconditional discharge to the Applicants/Insolvents in the Insolvency Petition.

The above application coming on this day before this court for hearing in the presence of Mr.R.Venkatraman, advocate for M/s.Tatva Legal advocates for both the Applicants/Insolvents 1 & 2 herein; and of Mr.K.V.Ananthakrushnan, advocate for the Official Assignee, the respondent herein; and upon reading the Judges Summon and affidavit of S.M.Maria Dorch and Annie Medona filed herein and this court having observed that since the institution of insolvency proceedings, the creditors have not been paid any dividend and the court do not see any reason to accept the claim of insolvents seeking discharge and

it is ordered as follows:-

1) That the Application No.204 of 2019 in I.P.No.94 of 2010 be and is hereby dismissed for want of merits.

2) That it is open to the debtors to renew the application after some

dividend has paid.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27TH DAY OF SEPTEMBER 2021.

SD./-

ASSISTANT REGISTRAR

Original Side – I

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF 2021.

MANAGER

INSOLVENCY OFFICE

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the Orders/Judgments/Decrees in this format.

PK
26/10/2021

HIGH COURT, MADRAS

APPLN.NO.204 OF 2019

IN

I.P. No.94 of 2010

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

DECREE DATED: 27/09/2021

FOR APPROVAL: 02/11/2021

APPROVED ON : 02/11/2021

COPY TO:-

The Official Assignee,
High Court, Madras.

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-Vs-

The Official Assignee,
High Court, Madras – 600 104.

...Respondent

Application praying that this Hon'ble court be pleased to grant unconditional discharge to the Applicants/Insolvents in the Insolvency Petition.

The above application coming on this day before this court for hearing in the presence of Mr.R.Venkatraman, advocate for M/s.Tatva Legal advocates for both the Applicants/Insolvents 1 & 2 herein; and of Mr.K.V.Ananthakrushnan, advocate for the Official Assignee, the respondent herein; and upon reading the Judges Summon and affidavit of S.M.Maria Dorch and Annie Medona filed herein and **the court made the following order:-**

This application has been filed by the insolvents seeking discharge. The learned Official Assignee has filed a report stating that a sum of Rs.44,00,000/- is available with the Official Assignee. The first insolvent being the employee of O.N.G.C., a third of his salary is being deposited with the Official Assignee. It is that amount which has accumulated to Rs.44,00,000/- as of to-day. From the Report of the Official Assignee dated 03.09.2021, it is seen that the admitted debts of the insolvents work out to Rs.1,34,56,400/-. It is also seen that no amount has been paid as dividend to the creditors as of to-day. The insolvent has also entered into an agreement

of sale in respect of the only immovable property for enforcement which a Civil Suit has been filed and the same is pending.

As per the direction of the Division Bench made in OSA Nos.154 to 156 of 2015, the suit has to be tried independently of the insolvency proceedings. Though 11 years are passed, since the institution of insolvency proceedings, the creditors have not been paid any dividend. I therefore do not see any reason to accept the claim of insolvents seeking discharge. The application seeking unconditional discharge is therefore **dismissed** for want of merits. It is open to the debtors to renew the application, after some dividend has paid.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27TH DAY OF SEPTEMBER 2021.

Sd./-

ASSISTANT REGISTRAR

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HIGH COURT, MADRAS

APPLN.NO.204 OF 2019

IN

I.P. No.94 of 2010

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

ORDER DATED: 27/09/2021

FOR APPROVAL:02/11/2021

APPROVED ON :02/11/2021

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High Court, Madras.