



insolvent repaid only Rs.20/- lakhs upto 21.08.2009 and thereafter, he did not pay any amount. In the meanwhile, the debt had become time barred. It had been stated that he had no other transactions with the insolvent. He denied that he was due and liable to pay a sum of Rs.8/- lakhs to the insolvent. It was stated that the application should be dismissed.

5. Evidence was directed to be taken. Accordingly, on the side of the applicant, R.Padma, Sub Assistant Registrar (SAR) attached to the office of the Official Assignee, High Court, Madras, filed proof affidavit and was examined as PW-1. She filed Exs. A-1 to A-6. Ex.A-1 was the true copy of the relevant pages from the report of the Auditor Ranga Ramanujamxd, dated 16.02.2016, concerning the 2nd respondent herein; Ex.A-2 was the true copy of relevant page from the report of the Auditor "Annamalai Associates", concerning the 2nd respondent herein; Ex.A-3 was the true copy of the demand notice dated 16.03.2016 sent by the Official Assignee to the 2nd respondent herein along with the true copy of the acknowledgment; Ex.A-4 was the true copy of the objection counter filed by the 2nd respondent in A.No. 99 of 2016; Ex.A-5 was the true copy of the schedule of affairs dated 24.05.2014 concerning the respondent herein; and Ex.A-6 was the true copy of the relevant bank entry for the period from 01.07.2007 to 31.03.2009.



02.12.2021 and again on 07.04.2022. On that date, it was noted that the matter was pending for cross examination of PW-1 from 15.11.2018. Further, opportunity was granted for cross examination on 21.04.2022. On that particular date though the witness was present, there was no representation on behalf of the respondent and since he had not come forward to cross examine the witness, the evidence was closed.

7. The matter then posted before this Court on 26.07.2022. The respondent was called absent and was set exparte.

8. Heard arguments advanced by Mr.K.V.Anantha krushnan, learned counsel on behalf of the Official Assignee.

9. The documents produced particularly Exs.A-1 & A-2 reflect that the second respondent was due decreed and payable a sum of Rs.8/- to the estate of the insolvent. A notice had been issued by the Official Assignee under Ex.A-3 on 16.03.2016. The second respondent had filed his objections but had not come forward to substantiate the same. Ex.A-6 had been produced which was the bank statement for the period 16.01.2008 and 31.01.2008. It is also seen that the due of the second respondent is reflected in Ex.A-6 on the date 22.08.2008.



Dr.G. JAYACHANDRAN, J.
&
C.V.KARTHIKEYAN J.

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10. The learned counsel for the Official Assignee insisted that the available documents had been produced and that the second respondent had not come forward to dispute the said documents or to cross examine the witness.

11. In view of these facts, which have not been controverted, this Application is allowed and a decree is passed accordingly as prayed for with costs.

(Dr.G.J.J.,) (C.V.K.J.,)
16.08.2022

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Pre-delivery order made in

Appln.No. 228 of 2016
in
I.P. No. 25 of 2014