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Comp.A.No.809 of 2003
in
C.P.No.322 of 1999

M.SUNDAR.J.,

Mr.Bavisetty Sridhar, learned 'Deputy Official Liquidator' [hereinafter 'Deputy OL' for the sake of convenience and clarity] on behalf of applicant i.e., 'Official Liquidator attached to this Court' [hereinafter 'OL' for the sake of convenience and clarity] and Mr.K.Sridhar learned counsel of M/s.K.Sridhar Associates (Law Firm) on behalf of second respondent are before this Court.

2. To be noted, first respondent has entered appearance through counsel and name of counsel (Ms.S.Poongodi) is duly shown in the cause list but there is no representation.

3. Be that as it may, learned counsel for second respondent draws the attention of this Court to proceedings dated 30.04.2021 made by Hon'ble predecessor Judge which reads as follows:

'The newly added party viz., the 2nd respondent has filed counter setting up independent title to the property

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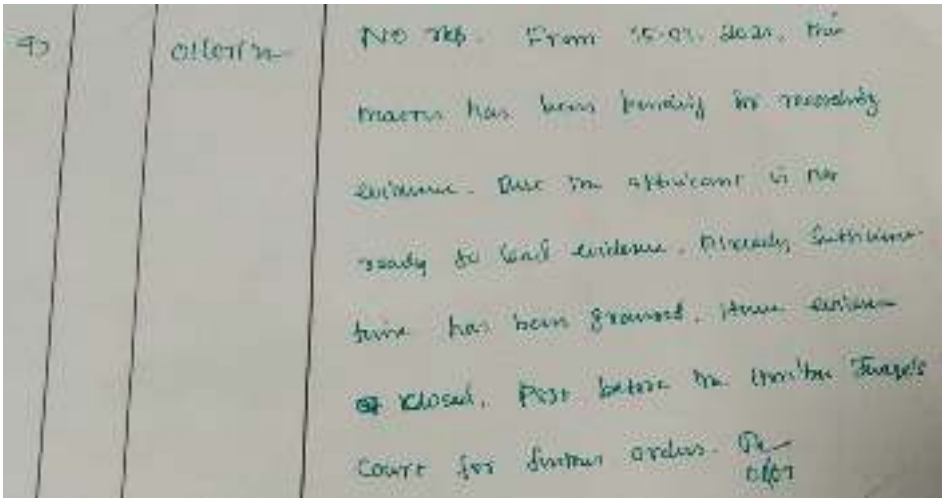
subject matter of this application, which according to the learned Official Liquidator belongs to the Company.

2. This application is directed to be listed before the learned Master on 16.06.2021. The parties shall lead evidence on their respective claims for title.'

4. This Court is informed that though the matter went before learned Master, no evidence was let in in spite of several listings. Learned Master has directed the matter to be posted before this Company Court in and by proceedings dated 01.07.2022 which reads as follows:



5. Learned Deputy OL submits that applicant - OL has not been able to readily locate the documents and therefore, evidence could not be let in before learned Master. To a pointed query as to whether the

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documents are now available so that the deposition can be recorded by this Company Court, the answer is in the negative.

6. Considering the fact that the captioned application is more than 9 years old and will turn one decade shortly, this Court is of the considered view that no useful purpose would be served by keeping the captioned application pending.

7. Therefore, captioned application is disposed of as closed albeit preserving the rights of OL to come up with same/similar prayer if the documents are located and if OL is in a position to let in evidence. This window is provided because it is a creditor's winding up proceedings and owing to facts and circumstances of case on hand.

8. Captioned application is disposed of as closed in the aforesaid manner. There shall be no order as to costs.

08.07.2022

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