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*Comp.A.No.217 of 2022
in C.P.No.73 of 2000*

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M.SUNDAR, J.,

Captioned application has been taken out with a condonation of delay [COD] prayer qua the claim to be made by the applicant in Form No.66 as regards 'Magnum India Ltd.,' [hereinafter 'said company' for the sake of convenience and clarity] which has gone into liquidation in main Company Petition at the instance of a petitioning creditor.

2. Ms.R.Meenakshi, learned counsel for applicant who is before this Court submits that the applicant is a Medical Doctor, he is immobilized owing to ailments and therefore, he could not diligently file his claims in time. There is no disputation that he had made a claim albeit not within the time frame. Therefore, learned Deputy OL returned the claim.

3. Another aspect of the matter is, the applicant came to this Court with same COD prayer by way of an earlier application being Company Application No.88 of 2022 in C.P.No.73 of 2008 and the same came to be withdrawn on 25.03.2022 wherein the rights of the applicant were preserved to come to this Court with the same/similar prayer with



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There shall be no order as to costs.'

4. Adverting to the aforementioned order, learned counsel submits that the Medical Certificate and Medical records have now been annexed to typed set of papers. It is seen that the applicant is *inter alia* on Permanent Ambulatory Peritoneal Dialysis. This Court has chosen to say '*inter alia*' as applicant has multiple ailments.

5. Learned Deputy OL very fairly submits that considering the facts and circumstances of the case on hand, there is no serious objection or resistance to COD prayer but a time frame at the discretion of this Court may please be fixed for re-filing aforementioned Form No.66.

6. In the light of the narrative thus far, captioned application is ordered i.e., delay is condoned subject to condition that the applicant shall re-file Form No.66 with all original supporting documents with OL within three weeks from today i.e, 15.07.2022. If such refiling is not made, this order will work itself out and will stand effaced without further reference to this Court.



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7. Captioned application ordered on above terms. There shall be
no order as to costs.

24.06.2022

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