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Application (IP) Nos.69 & 70 of 2022
in IP.No.20 of 2019

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in

IP.No.20 of 2019

M.SUNDAR J

This common order will now dispose of the captioned two applications which have been filed by learned Official Assignee with prayers (a) to appoint an advocate on record (AOR) in Hon'ble Supreme Court to defend the Official Assignee in SLA.(Civil) Nos.8309 and 8310 of 2022 wherein Official Assignee has been arrayed as second respondent and (b) to permit the Official Assignee to pay out necessary fee and expenses to the counsel.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 04.07.2022 which reads as follows:

'Captioned two applications have been taken out by learned Official Assignee with prayers (a) to engage an advocate in Hon'ble Supreme Court to represent him in SLA.(Civil) Nos.8309 and 8310 of 2022 and (b) to permit the Official Assignee to spend qua fee and expenses for the counsel, as a common order dated 31.01.2022 made by Hon'ble predecessor Judge in four applications [2 applications being Application Nos.7 and 8 of 2020 taken out by Axis Bank and Application Nos.33 & 34 of 2021 taken out by one M.M.Sanker, who says that he is the present owner of property concerned], has been carried to Hon'ble Supreme Court



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2. Adverting to a report dated 21.06.2022 filed in support of captioned applications, learned Official Assignee submits that Official Assignee has been arrayed as second respondent in the proceedings before Hon'ble Supreme Court and the office of Official Assignee has received notice in the aforementioned SLA.(Civil) Nos.8309 and 8310 of 2022.

3. Mr.M.Arikarasudan, learned counsel representing the first respondent in captioned applications [insolvent] is before this Court but there is no representation on behalf of counsel for Axis Bank [Mr.M.R.Uma Vijayan] and counsel for M.M.Sanker [Mr.Thanu Madhan N.S] though they have been duly served and names of the counsel have been shown in the cause list, with the intention of giving opportunity to respondents 2 and 3 and their counsel [though they may not have a real say in the matter] as a matter of good order, Registry to list this matter again tomorrow.

List on 05.07.2022.'

3. As regards aforementioned earlier proceedings adverting to a report dated 21.06.2022 filed in support of captioned applications, learned Official Assignee submits that Application (IP) Nos.7 and 8 of 2020 were taken out by Axis Bank with prayers (a) for declaration of a mortgage deed /power of attorney as null and void (b) for a direction to Official Assignee to take custody of the original title deeds pertaining to the properties concerned and Application (IP) Nos.33 and 34 of 2021 have been filed by one M.M.Sanker with prayers



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(a) to take appropriate action against the insolvent and Axis Bank for alleged suppression of facts in the main IP and (b) to set aside the order of adjudication dated 31.10.2019 made in the main IP being IP.No.20 of 2019.

4. As already alluded to and captured in the earlier proceedings dated 04.07.2022, all the four applications were disposed of by a common order dated 31.01.2022 made by Hon'ble predecessor Judge. This Court is now informed that aforementioned M.M.Sanker has carried the matter to Hon'ble Supreme Court (as captured in earlier proceedings extracted and reproduced supra) which has necessitated the captioned applications.

5. Today, Mr.M.Arikarasudan, learned counsel for first respondent is before this Court. Learned counsel submits that he is not opposing the prayers in the captioned two applications. Mr.M.R.Uma Vijayan, learned counsel for second respondent (Axis Bank) who is before this Court expresses regret for not representing the matter in the last listing on 04.07.2022 (Learned counsel says he was feeling under the weather). Learned counsel also submits that he is also not opposing the prayers. Be that as it may, there is no representation for third respondent, though third respondent has been duly served and name of the



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counsel for third respondent (Mr.Thanu Madhan N.S) has been duly shown in the cause list. To be noted, third respondent has been given adequate opportunities as the matter stood over on 04.07.2022 and yesterday (05.07.2022).

6. In the hearing today, at the Bar learned Official Assignee makes a request that this Court may please permit Official Assignee to engage the service of a designated senior advocate in Hon'ble Supreme Court if a need arises, also pay the fee and defray other expenses including travel expenses if any if such an engagement is made. To be noted as regards AOR it will be only fee and expenses and not travel expenses. It has become necessary to set out this as prayer talks about 'travel expenses' qua AOR.

7. It is necessary that Official Assignee is suitably represented in Hon'ble Supreme Court as he is custodian and he has been arrayed as second respondent in Supreme Court. Therefore, captioned applications are ordered on above terms. There shall be no order as to costs.

06.07.2022

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