



Appln.No.167 of 2022

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in I.P.No.74 of 1999

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SENTHILKUMAR RAMAMOORTHY, J.

The discharged insolvent presented this application to return the documents listed in the schedule to the Judge's summons.

2. The broad facts are not in dispute. By order dated 17.07.2019, the insolvent was discharged from insolvency. By the order of discharge, the Court directed the Official Assignee to retain documents pertaining to an asset over which a secured creditor, KBF, had a charge. The said documents were to be retained for a period of three years and if there is no claim by the secured creditor during the time, the said documents were to be returned to the applicant. The applicant states that the three year period has expired.

3. In response to this application, the Official Assignee has filed a report dated 11.11.2022. In paragraph 5 of the report, the details of documents returned previously to the applicant are set out. In paragraph 7,



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it is stated that three documents were retained on the ground that they are not documents of title.

4. Learned counsel for the applicant counters the contention that the said documents are not documents of title by asserting that title is traced through these documents, which include the mortgage deed.

5. On examining the nature of the retained documents, it is evident that these are documents of title. Since the three year period has elapsed, the Official Assignee is liable to release the documents to the applicant. Accordingly, this application is allowed by directing the Official Assignee to hand over the documents listed in the schedule to the Judge's summons to the applicant within a period of *two weeks* from the date of receipt of a copy of this order.

14.11.2022

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