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I.P. No. 61 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

I.P. No. 61 of 2003

Jhamkhu Devi Parakh

... Petitioning Creditor

Vs.

1. Bhuvaneswari Theatre,
rep. by its partners, Debtors 2 to 4

2. T.R.Bhuvaneswari

3. T.P.Kamalakumari

4. S.Gnaneswaran

... Debtors

Prayer:- Insolvency Petition filed under Sections 9, 10, 11, 12 and 13 of the Presidency Towns Insolvency Act, 1909 and Order III-A of the Insolvency Rules, 1958, praying:-

- (a) to treat this petition as urgent;
- (b) to adjudicate the debtors as insolvents;
- (c) to direct that the estate of the debtors be vested in the Official Assignee of Chennai, for the benefit of the General body of Creditors of the Debtors; and
- (d) to order that the costs of this petition paid by the Official Assignee of Chennai, from and out of the estate of the Debtors to the Petitioning Creditor.

For Petitioning Creditor : Mr. T.Srikanth

For Debtor : No appearance



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ORDER

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Learned counsel for the petitioning creditor submits that when the matter was listed before the learned Master, the petitioning creditor was not available. He further submits that since the whereabouts of the petitioning creditor is not known, he could not contact him. As such, he was not in a position to examine P.W.1 in the present case and conduct trial before the learned Master. Therefore, the matter is listed before the Court today.

2. When the matter is taken up for hearing, learned counsel for the petitioning creditor again submits that he could not contact his client since his whereabouts are not known. In such circumstances, this Court is of the considered view that the petitioning creditor is not interest in prosecuting the matter.

3. Accordingly, this petition is dismissed for non-prosecution. No costs.

09.01.2023

vjt

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order



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KRISHNAN RAMASAMY, J.

vjt

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