



Application (IP) No.43 of 2022
in I.P.No.23 of 2011

WEB CO **KRISHNAN RAMASAMY, J.**

This application has been filed by the applicants seeking to condone the delay of 2,835 days in filing the application for setting aside the order of adjudication dated 26.03.2012 made in I.P.No.23 of 2011.

2. The learned counsel for the applicants submitted that the first respondent had filed I.P.No.23 of 2011 against the applicants but he had not served any notice to the applicants even before and after initiating the insolvency proceedings. The applicants were adjudicated as insolvents by this Court vide its order dated 26.03.2012.

2.1. The learned counsel further submitted that the first applicant had executed a registered General Power of Attorney in favour of one Mr.Mohan, to maintain his property (1st applicant's property). The said Power of Attorney was registered as Document No.552/2011 on the file of Sub Registrar Office, Ashok Nagar. The said Mohan leased out the first applicant's property to one Mr.Karunakaran for a sum of Rs.6,00,000/-. The first applicant was not in Chennai for a long time. While so, in the year



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2019, the first applicant came to know from the said Mohan that the lessee Karunakaran is asking for repayment of lease amount consequent to the action initiated by the first applicant's creditors through Official Assignee via public sale. Taking advantage of the first applicant's absence in Chennai for long years and being aware of the insolvency proceedings initiated against him by his creditors, the lessee Karunakaran prepared a forged document and demanded Rs.20,00,000/-. Under these circumstances, the Official Assignee has called upon the first applicant, for recording the statement. The first applicant has also appeared before the Official Assignee and recorded his statement on 28.03.2019 & 16.12.2019 respectively.

2.2. The learned counsel also submitted that after recording the statements with the Official Assignee, the first applicant engaged an Advocate. The Advocate informed the applicants that they were set *ex-parte* and adjudicated as insolvents by this Court vide its order in I.P.No.23 of 2011 dated 26.03.2012. Hence, the aggrieved applicants have filed the present application for the relief stated *supra*.



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3. The Official Assignee submitted that he has sent notice to the applicants immediately after the passing of adjudication order dated 26.03.2012 but the applicants have filed this application only in the year 2020.

4. As far as this case is concerned, the applicants have not adduced any proper and valid reason for the delay occurred. Since the reasons stated by the applicants in the affidavit filed in support of this application are not sufficient enough to condone the inordinate and extraordinary delay of 2,835 days in filing the application for setting aside the order of adjudication dated 26.03.2012 made in I.P.No.23 of 2011, this Court is not inclined to allow this Application. Hence, this Application is dismissed.

13.03.2023

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