



WEB COPY

Comp.A.No.966 of 2016
in C.P.No.161 of 2015

KRISHNAN RAMASAMY, J.

This Application has been filed by the Official Liquidator seeking for the following prayers:

- a) to treat this application as urgent;
- b) to direct the respondent to pay a sum of Rs.1,33,722.21 together with interest at 18% p.a from the date of winding up order i.e 31.07.2015 to till the date of entire settlement;
- c) to direct that the cost of this application do come out of the funds of the company in liquidation.

2.Learned Official Liquidator would submit that this Court by order dated 31.07.2015 in C.P.No.161 of 2015, wound up the company viz., M/s.Zenox Lifesciences Limited and appointed the Official Liquidator as the Liquidator of the company in liquidation with a direction to take charge of all the assets of the said company. Thereafter, the Ex-Directors of the company in provisional liquidation had filed the Statement of Affairs, which shows that the respondent herein as debtor for a sum of Rs.1,33,722.21/- payable by him.



Based on the statement of affairs filed by the Ex-Directors of the company in liquidation, the Official Liquidator had issued a demand notice to the respondent on 11.01.2016, calling upon the respondent to pay the said amount. The said notice was acknowledged by the respondent. Since there was no reply from the respondent, the Official Liquidator issued reminder letter dated 16.03.2016 to the respondent. However, the respondent has neither made any remittance nor furnished any reply. Hence, he filed the present application.

3.Learned counsel appearing for the respondent would submit that the respondent is not liable to pay any amount to M/s.Zenox Lifesciences Limited and the respondent has also deposed the same during his examination. Further, she would submit that the respondent sent a reply notice dated 20.03.2016 to the Official Liquidator stating that they are not liable to pay any amount to the respondent and the same has been marked as Ex.B1.

4.Learned Official Liquidator has filed only the statement of affairs submitted by the Ex-Directors of the company in liquidation, which contained only one sheet and the same is not sufficient to establish his case when the respondent denied his liability in toto.



5. During the course of oral evidence also the learned Official Liquidator was not able to pull out anything to prove his claim. This Court perused the oral and documentary evidence filed and it does not prove the claim of the Official Liquidator. Hence, this application is liable to be dismissed.

6. Accordingly, this application stands dismissed.

24.03.2023

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