



I.P.No.25 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

I.P.No.25 of 2021

S.Beulah

... Petitioner

Insolvency Petition filed under Section 9(1)(f), 10, 11, 14 and 15 of the Presidency Towns Insolvency Act and Order III Rule 1 of the Insolvency Rules to adjudicate the petitioner as an insolvent and to direct the Official Assignee to administer the estate of the petitioner in a regular manner.

For Petitioner : No appearance
Mr.V.Devanathan, Official Assignee

ORDER

This Insolvency Petition was filed to adjudicate the petitioner as an insolvent and to direct the Official Assignee to administer the estate of the petitioner in a regular manner.



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2. From the perusal of records, it is clear that after the debtor was adjudicated as insolvent, this matter was adjourned by this Court for more than 20 times. However, she has not turned up for any hearings and statement of affairs was also not filed by her.

3. The learned Official Assignee has also not taken any steps to annul the proceedings.

4. Under these circumstances, the learned Official Assignee would submit that under Section 15 of the Presidency Towns Insolvency Act, 1909, this Court can dismiss this petition.

5. Accordingly, considering the submission made by the learned Official Assignee, this Court annulled the order passed by the learned Master dated 28.10.2021 in I.P.No.25 of 2021. Further, considering the many number of adjournments and opportunities granted to the debtor to appear and file the statement of affairs, this Court is of the view that no useful purpose will be served by keeping this petition pending, except



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providing shelter and protection to the petitioning debtor under the insolvent law available. Therefore, this Court is of the view that when the insolvent has not come forward after the adjudication order passed by this Court, it clearly shows that she has approached this Court only for the purpose of protection under the Act and this protection is not available for a dishonest insolvent and for a person, who is abusing the process of Court. Hence, this Court is incline to dismiss this petition under Section 15(3) of the the Presidency Towns Insolvency Act, 1909. Accordingly, this Insolvency Petition is dismissed.

13.02.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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KRISHNAN RAMASAMY.J.,
nsa

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