



Comp. A.No.363 of 2023
in
C.P.No.156 of 2005

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ABDUL QUDDHOSE.J.,

C.A.No.363 of 2023 in C.A.No.186 of 2023 in C.P.No.156 of 2005 has been filed to set aside the order of the claim made against the applicant in C.A.No.186 of 2023 in C.P.No.156 of 2005 dated 09.06.2023.

2. C.A.No.186 of 2023 in C.P.No.156 of 2005 was filed by the learned Official Liquidator under Section 446 (2) and 460 (4) of the Companies Act, 1956 read with Rules 9, 11 (b) of the Companies (Court) Rules, 1959 seeking to direct the applicant herein to pay a sum of Rs.5,17,609.59 together with interest at the rate of 21.6% per annum from 01.01.2023 till the date of final payment. The applicant herein was directed to appear before this Court on 09.06.2023. According to the applicant herein, he could not appear before this Court on the hearing date i.e., on 09.06.2023, since he could not get the entry pass for entering the High Court campus on time. Further, it is also his contention that he could not engage an Advocate on time before the hearing date i.e., on 09.06.2023. Since he failed to appear before this Court, this Court vide its order dated 09.06.2023, after



setting him ex-parte, directed the applicant herein to make a payment of Rs.5,17,609.59 together with interest at the rate of 21.6% per annum from 01.01.2023 till the date of final payment to the learned Official Liquidator, High Court, Madras.

3. According to the applicant, only due to the reason stated above, he could not appear before this Court on 09.06.2023. Hence, he would submit that his non appearance is neither willful nor wanton. Under those circumstances, he has filed this application, seeking to set aside the order dated 09.06.2023 passed by this Court in C.A.No.186 of 2023 in C.P.No.156 of 2005.

4. The learned Official Liquidator has not raised any serious objection for allowing this application. This Court is also satisfied with the reasons stated in the affidavit filed in support of this application. Accordingly, C.A.No.363 of 2023 in C.A.No.186 of 2023 in C.P.No.156 of 2005 is allowed as prayed for, by setting aside the ex-parte order dated 09.06.2023 passed by this Court in C.A.No.186 of 2023 in C.P.No.156 of 2005 and C.A.No.186 of 2023 in C.P.No.156 of 2005 is restored to the file of this



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Court. The applicant is directed to file a counter to C.A.No.186 of 2023 in C.P.No.156 of 2005 filed by the learned Official Liquidator before the next hearing date.

5. Post the matter for counter and disposal in C.A.No.186 of 2023 in C.P.No.156 of 2005 on 09.10.2023.

28.08.2023

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