



Comp.A. Nos.423 of 2022 and 184 of 2023 in C.P. No.41 of 1981

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ABDUL QUDDHOSE, J.

M/s.KG Foundations (P) Ltd.
Rep. by Authorised Signatory
Mahendar Chugh

.. Applicant in both cases

vs.

The Official Liquidator
High Court, Madras as the
Liquidator of Moolangudi
Chit Funds Private Ltd.
(in liquidation),
Chennai – 60 001.

.. Respondent in both cases

Comp. A.No.423 of 2022 has been filed to direct the respondent represented by the Official Liquidator to return original Sale Deed dated 05.04.1974 registered as document No.621/1974 to the applicant herein.

Comp.A. No.184 of 2023 has been filed to direct the Official Liquidator to issue clearance certificate to the Sub Registrar, Mylapore to the effect that the mortgage created under Document No.622/1974 is cancelled.

2.Learned Official Liquidator has filed a Report dated Nil.04.2023. As



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seen from the report, the records pertaining to the transaction as stated by the applicant could not be traced. The Official Liquidator has also categorically stated that they are not in possession of the concerned documents to examine and prove the transaction referred in the present applications. As there is no concrete evidence/books and records available with the Official Liquidator to prove the transaction and no proper documentary evidence is found from the records of the Company in liquidation, the Official Liquidator is unable to execute a discharge receipt as sought for by the applicant.

3.On the last hearing date on 24.07.2023, the learned counsel for the applicant sought time to get instructions from his client for withdrawal of these applications. The matters are listed under the caption 'for withdrawal' today.

4.However, learned counsel for the applicant seeks further time to get instructions.

5.Since the Official Liquidator has categorically stated in his report



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that the subject documents are not available in their office and further the cancellation of mortgage pertains to the year 1974, the question of returning the documents to the applicant, which are not in the custody of the Official Liquidator as seen from his report will not arise.

6. There is no merit in these applications. If at all the applicant seeks remedy with regard to the relief sought for in these applications, they have to file an appropriate legal proceeding before the appropriate forum in the manner known to them under law. Accordingly, these applications are closed.

31.07.2023

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31.07.2023