



WEB COPY



Comp.A.No.542 of 2023
in C.P.No.178 of 2015

Comp.A.No.542 of 2023
in
C.P.No.178 of 2015

C.SARAVANAN, J.

This Company Application has been filed by the 2nd defendant (Judgment Debtor) in C.S.No.538 of 1996. The suit was filed by the Company under liquidation which is now represented by the Office of the Official Liquidator.

2.A preliminary decree was passed on 18.10.1996 followed by a final decree on 30.06.1998. Meanwhile, the Company under liquidation viz., M/s. Gemini Industries and Images Ltd., No.28, New Bangaru Colony, West K.K.Nagar, Chennai – 600 078, was ordered to be wound up by this Court on 29.01.2016 in C.P.No.178 of 2015.

3.This was during the pendency of the Execution proceedings by the Company under liquidation, which appears to have been initiated on 05.02.2003 in Proclamation No.3 of 2003.

4.By an order dated, 26.09.2023, the Court had directed the office of the learned Official Liquidator to file Original Mortgage Deed,



Comp.A.No.542 of 2023
in C.P.No.178 of 2015

Original Title Deed, Encumbrance Certificate, etc., and had adjourned the matter to be heard on 12.10.2023.

5.The office of the learned Official Liquidator has filed an affidavit sworn by the learned Deputy Official Liquidator, wherein it has been stated that the office of the Official Liquidator is not in possession of the documents called for and in the absence of the documents and that the subject matter is of the year 1996 and since the winding up is much prior in time, the details are not available. Hence, it has been requested by the learned Deputy Official Liquidator that the former Directors of the Company to be impleaded.

6.Having considered the arguments, Court is of the view that there is no impediment for granting formal leave. It is open for the learned Deputy Official Liquidator to take steps to implead the former Directors of the Company.

7.It is for the applicant herein to implead the Former Directors of the Company before the Court in C.S.No.538 of 1996.



Comp.A.No.542 of 2023
in C.P.No.178 of 2015

8.It is also open for the office of the learned Official Liquidator to move appropriate applications to implead the former Directors of the Company.

9.With the above liberty, Comp.A.No.542 of 2023 stands allowed.

24.11.2023

krk



WEB COPY



Comp.A.No.542 of 2023
in C.P.No.178 of 2015

C.SARAVANAN, J.

krk

Comp.A.No.542 of 2023
in C.P.No.178 of 2015

24.11.2023