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Comp.A.No.1885 of 2010
in
C.P.No.365 of 1997

Krishnan Ramasamy, J.,

This Company Application is filed seeking the following prayer:

- “i) To direct the respondent firm to pay outstanding amount of Rs.18,59,757/- together with interest @ 18% p.a., from the last date of transaction i.e., 01.04.1996 to till the date of entire settlement.
- ii) To direct that the cost of this application do come out of the funds of the company in liquidation.”

2. Ms.B.Ambili, Deputy Official Liquidator submitted that the winding up order has been passed by this Court on 07.04.2000. Thereafter, the Ex-Directors of the company in liquidation have filed their Statement of Affairs along with the list of debtors, wherein the respondent has shown as debtor and they are liable to pay a sum of Rs.18,59,757/-. Pursuant to which, the Official Liquidator has issued a demand notice dated 12.01.2005 to the debtor/respondent calling upon them to settle the said due amount. Even after the receipt of such demand notice, the respondent have not have forward to



settle the due amount.

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3. Though the notice was ordered by this Court to the respondent on 24.04.2018, the same was returned with an endorsement “Unclaimed”. It appears that the respondent has deliberately refused to accept the notice. Thus, it shows that the respondent is not interested to contest the case.

4. Considering the submission made by the Deputy Official Liquidator and perused the material available on record, it appears that the respondent is liable to pay a sum of Rs.18,59,757/- and the Deputy Official Liquidator also proved the same. Accordingly, the Company Application is allowed.

14.06.2024

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