



DATED: 14.07.2025

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

M. Yuvaraj	...	Applicant/Creditor
	vs.	
1. P. Rajan		1 st respondent / Debtor / Insolvent
2. The Official Assignee, High Court of Madras, Chennai – 600 104.		2 nd respondent

For Applicant : Mr.G. Sugumaran

For Respondents : Ms.I. Bobby Portia for R1
Official Assignee for R2

Prayer : This application has been filed under Order XIV Rule 8 of O.S. Rules read with Section 21 of the Presidency Towns Insolvency Act, 1909 to annul the order of adjudication passed in I.P. No.12 of 2023, dated 06.04.2023.



Appln. No.318 of 2024

ORDER

This application has been filed seeking to annul the order of adjudication passed by this Court in I.P. No.12 of 2023 on 06.04.2023.

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2. The 1st respondent has been declared as an insolvent by the aforesaid order passed by this Court. The applicant, who is a Creditor having obtained a decree from the Civil Court as against the 1st respondent (Insolvent) seeks for annulment of the order of adjudication on the ground that the insolvency notice was not received by the applicant and he was not aware of the insolvency proceedings initiated by the 1st respondent to declare the 1st respondent (himself) as an insolvent.

3. The Official Assignee has submitted a report before this Court, dated 08.07.2025. As seen from the said report, the applicant based on a Civil Court decree obtained by him against the 1st respondent filed a claim petition before the Official Assignee and the Official Assignee has also admitted the claim of the applicant for a sum of Rs.29,44,810/-. The applicant being aware of the insolvency proceedings filed by the 1st respondent to declare the 1st respondent as an insolvent has now chosen



Appln. No.318 of 2024

to file this application seeking to annul the order of adjudication passed

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by this Court declaring the 1st respondent as an insolvent. When the

applicant has himself filed a claim before the Official Assignee, on

coming to know that the 1st respondent has been declared as an insolvent,

the question of entertaining this application at this stage seeking to annul

the order of adjudication does not arise. In fact, the applicant was

represented by the very same counsel, who had filed this application in

the Insolvency Petition viz., I.P. No.12 of 2023. The cause list, dated

14.09.2023 placed on record by the learned counsel for the 1st

respondent reveals that the very same counsel had filed vakalat on behalf

of the applicant in Appln. No.318 of 2024 in I.P. No.12 of 2023.

Having participated in I.P. No.12 of 2023, the applicant cannot file this

application seeking to annul the order of adjudication passed in favour of

the 1st respondent. As seen from the report filed by the Official Assignee

before this Court, the notice sent to the applicant by the Official

Assignee during the pendency of the insolvency proceedings has also

been returned with an endorsement "unclaimed", which amounts to

“deemed service”. Though the learned counsel for the applicant would

submit that the address to which the notice was sent by the Official

Assignee is the old address of the applicant, this Court cannot accept the



Appln. No.318 of 2024

WEB COM said contention in view of the other facts which clearly establishes that the applicant was well aware of the insolvency proceedings pending before this Court which culminated in the adjudication order passed in favour of the 1st respondent declaring the 1st respondent as an insolvent as prayed for by the 1st respondent in I.P. No.12 of 2023.

4. For the foregoing reasons, this Court does not find any merit in this application and accordingly, this application is dismissed.

14.07.2025

vsi2



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Appln. No.318 of 2024

ABDUL QUDDHOSE, J.

vsi2

**Appln. No.318 of 2024
in
I.P. No.12 of 2023
and
I.P. No.12 of 2023**

14.07.2025