



WEB COPY



Comp.A.No.245 of 2018

Comp.A.No.245 of 2018
in
C.P.No.255 of 2014

KRISHNAN RAMASAMY, J.

This application is filed to direct the respondent/debtor Company to pay the debt due amount of Rs.3,73,203.64 towards entire settlement along with subsequent interest @ 18% p.a. till the date of final payment and to direct the respondent/debtor to return the assets as per clause 3(d) of the operating lease agreement and also to permit the learned Official Liquidator to meet the cost of this application from and out of funds of the company in provisional liquidation.

2. The learned Official Liquidator would submit that M/s.First Leasing Company of India Limited had been wound up by virtue of order of this Court dated 31.07.2014 made in C.P.No.255 of 2014.

3. Further he would submit that the Ex-Managing Director filed the statement of affairs of the said company. As per the statement of affairs, the respondent is liable to pay a sum of Rs.3,73,203.64 along with interest. The learned Official Liquidator would submit that she has



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issued demand notice dated 11.01.2017 to the respondent with regard to the payment. Thereafter, final notices dated 05.05.2017 and 21.06.2017 were also issued. However, though the respondent received the said notices, they have not come forward to settle the outstanding dues. Hence, the present application has been filed.

4. After filing of this application, notice was ordered and served to the respondent and the name of the respondent was also printed in the cause list. However, none appeared on behalf of the respondent, which shows that the respondent has no interest to contest this matter.

5. Upon hearing the learned Official Liquidator and perused the statement of affairs and averments made in the report filed by the learned Official Liquidator dated 30.01.2018, this Court is satisfied that the learned Official Liquidator had proved the claim against the respondent and hence, held that the respondent is liable to pay a sum of Rs.3,73,203.64 as claimed by the learned Official Liquidator. Hence, this Court is inclined to allow this application.



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6. Accordingly, this Application is ordered as prayed for.

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