



Comp.A.No.265 of 2018

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in C.P.No.255 of 2014

K.KUMARESH BABU, J.

The application had been taken out by the Official Liquidator

(a) To direct the respondents/ debtors to pay the debt due amount of Rs.76,97,079.48 towards entire settlement along with subsequent interest @ 18% p.a till the date of final payment.

(b) To direct the respondents/ debtors to return the assets as per Clause 13 of the Lease Agreement.

(c) To direct the cost of this application does come out of the funds of the Company in Provisional Liquidation.

(d) To pass such other order(s)

Heard Ms.B.Ambili, Deputy Official Liquidator appearing for the applicant. There is no representation on behalf of the respondent.

2. From the earlier orders passed by this Court, it could be seen that after the receipt of the counter by the respondent, the matter was directed to be listed before the learned Master for recording of evidence and the learned Master has also recorded the evidence in this case on 20.08.2024. Even before the learned Master, there was no representation on the side of the respondent. When the matter is taken up for hearing, today, also there is no representation on the side of the respondent.



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3. I have perused the materials available on record and also the deposition of P.W.1.

4. From the Exs.A1 and A2, it could be seen that the respondent was liable to pay the rental amounts which had been substantiated by the Ex.A11 which conclusively proves that the respondent is liable to pay a sum of Rs.76,97,079.48/- to the company in liquidation. In view of the concrete evidence that is placed before this Court, I am inclined to allow this application as prayed for. The respondent is directed to pay a sum or Rs.76,97,079.48/- together with interest at the rate of 18% p.a within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Application is ordered as prayed for. However, there shall be no order as to costs.

Gba

23.08.2024