



WEB COPY



Comp. A. Nos.157 of 2024
in
C.P.No.17 of 2004

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Krishnan Ramasamy,J.,

This Company Application is filed seeking for the following prayer:-

- i) To direct the respondent to sanction the remaining amount of Rs.2,06,976/- to the applicants from the total admitted amount of Rs.3,98,028/- along with interest at 12/- per annum for 15 years from the date of the claim to till date of sanction.

2. Ms.K.Vasuki, learned counsel appearing for the applicants would submit that the first applicant is the wife of the deceased employee, Mr.M.Kamaraj, aged about 60 y ears; that the second applicant is her unmarried daughter, who is aged about 23 years; apart from taking care of her daughter, the first applicant has to look after her mother-in-law, who is aged about 92 years and is suffering from aged related ailments; that the first applicant is also suffering from knee ailment (viz., Osteoarthritis) and as proof, she has also marked a medical certificate. Therefore, the learned counsel submitted that the situation and circumstances, with which, the applicants are placed is too pathetic and hence, insisted the Court to pass some suitable orders for disposal



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of the representation made by them with regard to disbursal of the claim amount made by the deceased employee in pursuance of winding up of the Company, viz., M/s.SIV Industries, where, the deceased was an employee.

3. Ms.B.Ambili, the learned Deputy Official Liquidator for the respondent would submit that representation was received on 05.10.2023 and the same would be considered on merits and appropriate orders would be passed, if a direction is issued in that regard.

4. Heard Ms.K.Vasuki, learned counsel appearing for the applicants and Ms.B.Ambili, the learned Deputy Official Liquidator appearing for the respondent and perused the affidavit filed in support of this Application.

5. It appears that one Mr.M.Kamaraj had lodged a claim with the office of the Official Liquidator consequent to the winding up of M/s.SIV Industries, since, his name is found in the list of workmen creditors of the said Company. Pursuant to such claim, a sum of Rs.3,98,028/- was admitted by the Office of the respondent, however, only a sum of Rs.1,91,052/- which is only 48% in the admitted amount was disbursed to him. On 06.11.2021, the said M.Kamaraj died due to cancer, hence, the applicants, being the legal heirs of the deceased workmen creditor, viz., wife and daughter made a representation dated 05.10.2023 seeking for sanction of the remaining 52% of the admitted amount, which would come around Rs.2,06,976/-. However, since the said



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representation evoked no response, the applicants are before this Court seeking for the prayer, as described in preamble portion of this order.

6. This Court, considering the submissions made on either side and the fact that the present predicament of the applicants is too pathetic, that is to say, the first applicant, being a widow, taking care of her unmarried daughter and has a mother-in-law, who has to be looked after, as she is a nonogenarian, suffering from all kinds of age related ailments and de hors the same, the first applicant is suffering from knee ailment, (viz., Osteoarthritis) and in this regard, she has also marked a medical certificate in support of this Application, this Court is inclined to direct the respondent/Official Liquidator to dispose of the representation made by the applicants dated 05.10.2023, as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this order has been passed taking into consideration of the peculiar facts and circumstances of the case and the same shall not be treated as a precedent.

7. This Company Application is disposed of accordingly.

26.07.2024

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