



WEB COPY



Appln.No.33 of 2024
in
I.P.No.25 of 2014

Appln.No.33 of 2024
in
I.P.No.25 of 2014

Dr.G.JAYACHANDRAN,J.
and
C.V.KARTHIKEYAN,J.

One Mr.Mani, claimant to be a Trustee in the Rajiv Gandhi Memorial Educational Charitable Trust has taken out this application claiming a sum of Rs.45,77,000/- from the estate of Arjunlal Sunderdas, the deceased insolvent.

2. The learned counsel appearing for the applicant submitted that on behalf of the trust, loans from the financiers were availed and this applicant gave a cheque to discharge the debt of the trust. In one such case, a financier Mr.Mukunchand, who advanced loan to the trust and received the cheque signed by the applicant initiated a suit for recovery of money in C.S.No.652 of 2004. Further, the cheque issued being dishonoured, criminal prosecution under Section 138 of the Negotiable Instruments Act,1881 was also initiated and this applicant suffered a



Appln.No.33 of 2024
in
I.P.No.25 of 2014

WEB COPY

decree and criminal prosecution. When SLP No(Crl.)No.9388 of 2021 was filed before the Supreme Court, the applicant stated that the cheque given by him was on behalf of the trust and it was not given to discharge his personal liability. Some observations have been made by the Hon'ble Supreme Court to have recourse for recovery of the money from the trust. Taking advantage of the said observation, the applicant claims that one of the property which has been purchased by the insolvent paying due consideration is the property of the trust and he wants a sum of Rs.45,77,000/- from the estate of the deceased insolvent.

3. Heard the learned counsels and perused the records.

4. The very fact, which is narrated above as found in the affidavit is highly preposterous and without any conduit between the insolvent and the claimant. The claim petition been filed in the year 2024. Whereas the insolvency petition filed in the year 2014 itself and pending adjudication, the insolvent died as early in 2018. After that, this vexatious application has been filed.



WEB COPY



Appln.No.33 of 2024
in
I.P.No.25 of 2014

5. When the Court was about to dismiss the application on merits, the learned counsel sought leave to withdraw the application. However, this vexatious application is dismissed without costs.

(Dr.G.J.J.) (C.V.K.J.)
11.06.2024

ari



WEB COPY



Appln.No.33 of 2024
in
I.P.No.25 of 2014

Dr.G.JAYACHANDRAN,J.
and
C.V.KARTHIKEYAN,J.
ari

Appln.No.33 of 2024
in
I.P.No.25 of 2014

11.06.2024