



WEB COPY



O.S.A.No.203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

O.S.A.No.203 of 2023

P.Pushpa

... Appellant

Vs.

The Official Liquidator
As a Liquidator of
M/s.Sree Uma Parameswari Mills Limited (in liquidation)
High Court, Madras,
Corporate Bhavan, 2nd Floor,
No.29, Rajaji Salai,
Chennai – 600 001.

... Respondent

Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules and Clause 15 of the Letters Patent against the order and decree dated 06.01.2023 in Comp.Appln.No.437 of 2022 in Comp.Petn.No.207 of 2003 on the file of this Court.



WEB COPY



O.S.A.No.203 of 2023

For Appellant : Mr.R.Natarajan
for M/s.E.Maragada Sundari

For Respondent : The Official Liquidator
as a Liquidator of
M/s.Sree Uma Parameswari Mills
Limited (in liquidation)
High Court, Madras,
Corporate Bhavan, 2nd Floor,
No.29, Rajaji Salai,
Chennai – 600 001.

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Original Side Appeal is directed against the order of the learned Single Judge, dated 06.01.2023, in Comp.Appln.No.437 of 2022 in Comp.Petn.No.207 of 2003, dismissing the application filed by the appellant challenging the order of the respondent rejecting the claim of the appellant.

2.The case of the appellant is that she was appointed in the year 1965 and posted at the Reeling Station as Machine Operator in the company



under liquidation. It is further stated by the appellant that she resigned from the company on 05.04.1995 and her resignation was also accepted by the employer on the next day, i.e., 06.04.1995. After 13 years, the appellant filed a claim petition before the Official Liquidator in Form-66 and the same was rejected by order which is impugned in the original proceedings before the learned Single Judge.

3.The question is whether any amount is due from the appellant's employer. The appellant's claim appears to be towards terminal benefits. However, there is no explanation for the long delay while making the claim before the Official Liquidator. Since no documents were furnished to substantiate the claim before the Official Liquidator, the Official Liquidator was helpless and therefore, the claim could not be processed by the Official Liquidator. Except the resignation letter submitted by the appellant, no other document was available with the Official Liquidator. It is therefore, the Official Liquidator rejected the claim of the appellant.



O.S.A.No.203 of 2023

WEB COPY

4.The question is whether the rejection of appellant's claim by Official Liquidator is for *bona fide* reasons. Even before this Court, the learned counsel for the appellant is unable to produce any record, so that this Court will also direct the Official Liquidator to consider. In the absence of any explanation for the huge delay in making the claim, this Court finds no merit in this Appeal.

5.An Official Liquidator is a person who is expected to protect the interest of the estate of the company. Merely because the Official Liquidator has no records to confirm the employment details of the appellant, the company cannot be saddled by accepting every claim. This Court has no reason to interfere with the order of the learned Single Judge who has considered every document and every submission of the learned counsel for the appellant while passing the impugned order.



O.S.A.No.203 of 2023

WEB COPY 6. Therefore, for want of merits, this Original Side Appeal is dismissed. No costs.

(S.S.S.R., J.) (A.D.M.C., J.)
25.10.2024

mkn

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

The Official Liquidator
As a Liquidator of
M/s.Sree Uma Parameswari Mills Limited (in liquidation)
High Court, Madras,
Corporate Bhavan, 2nd Floor,
No.29, Rajaji Salai,
Chennai – 600 001.



WEB COPY



O.S.A.No.203 of 2023

S.S. SUNDAR, J.
and
Dr.A.D. MARIA CLETE, J.

mkn

O.S.A.No.203 of 2023

25.10.2024