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Application (IP) No. 230 of 2024

IN

I.P.No. 25 of 2014

DR.G.JAYACHANDRAN, J.

and

C.V.KARTHIKEYAN, J.

This Application has been filed seeking to set aside the order of the Official Assignee dated 29.09.2023 in Claim No. 68 of 2016 filed in I.P.No. 25 of 2014 by the applicant.

2. The applicant had filed the claim petition in I.P.No. 25 of 2014.

3. I.P.No. 25 of 2014 had been filed by a petitioning creditor seeking to adjudicate Arjunlal Sunderdas as an insolvent and to direct the Official Assignee to take control of the assets of the insolvent and disburse the amounts to the claimants. Arjunlal Sunderdas was adjudicated as insolvent by order dated 21.04.2014. Subsequently, the Official Assignee had taken control of all



assets and proceeding are pending before this Court.

4. The said claim had been preferred by the applicant seeking a sum of Rs.37,00,000/-, being Rs.25,00,000/- towards principals and Rs.12,00,000/- towards interest from the estate of Arjunlal Sunderdas, who had been declared as insolvent by order of Court dated 21.04.2014.

5. It had been contended by the applicant that though the original promissory note had been produced, the Official Assignee had rejected the claim.

6. In the order of the Official Assignee, it had been pointed out that the applicant had stated that the amount had been handed over to a representative of the insolvent at Kanpur by cash on 27.06.2013.

7. The learned Official Assignee had stated that the said statement was extremely vague and not supported by any documentary proof in the form of bank statement. It had been stated that the document produced are self serving



8. On examining the records, we find that the claimant had not disclosed the name of the representative to whom the sum of Rs.25,00,000/- in cash was handed over at Kanpur. The address at Kanpur was not also disclosed.

9. We hold that the said claim by the applicant is not bonafide since there is no proof for the actual transfer of the amount. It is only a statement made by the applicant. The promissory note is not supported by consideration.

10. We find no reason to interfere with the order of the Official Assignee. This Application stands dismissed.

(DR.G.J.J.) & (C.V.K.J.)
.11.2024

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Pre-Delivery Order made in

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