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Application (IP) No. 231 of 2024

IN

I.P.No. 25 of 2014

DR.G.JAYACHANDRAN, J.

and

C.V.KARTHIKEYAN, J.

This Application has been filed to set aside the order of the Official Assignee dated 29.09.2023 in Claim No. 69 of 2016.

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 proceedings are pending before this Court.



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4. The applicant had preferred the said Claim Petition seeking a sum of Rs.7,40,000/- from the estate of the insolvent, Arjunlal Sunderdas. The amount comprised of Rs.5,00,000/- towards principal and Rs.2,40,000/- towards interest. The applicant had produced the original promissory note but still the Official Assignee had rejected the claim.

5. We carefully examined the order of the learned Official Assignee.

6. The Official Assignee had pointed out the sworn statement of the power of attorney agent of the claimant, who stated that the insolvent had received the amount of Rs.5,00,000/- at Hansi through a representative. The name of the representative had not been given. This gives rise to a strong suspicion over the bona fide of the claim.

7. The Official Assignee had, in our firm opinion correctly concluded



that the promissory note was not supported by any consideration.

8. The applicant had not produced any bank statement to show withdrawal of the amount or that he was in possession of such amount in the bank account just before handing over the cash of Rs.5,00,000/- to an unnamed, unknown representative of the applicant.

9. The learned Official Assignee had correctly rejected the same. The present Application stands dismissed.

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

vsg



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Pre-Delivery Order made in

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