



WEB COPY



Comp.A.No. 338 of 2019

in

C.P.No. 238 of 2013

K.KUMARESH BABU, J.

The present application has been taken up to direct the respondent to pay a sum of Rs.12,31,852/- along with interest at the rate of 18% per annum from the date of winding up order namely, 18.06.2014 till date of final payment.

2. Notice has been sent to the respondent, which remains unserved for the reasons indicated therein. Thereafter, the applicant was permitted to take substituted service. By order dated 19.07.2024, this Court had recorded that service had been effected and none appeared for the respondent. Further direction was also issued to the Master to record the evidence. Pursuant to the direction, the learned Master recorded the evidence and directed the matter to be posted before the Court.

3. A perusal of the documents and also the proof affidavit filed by the applicant, it had been indicated that amount of Rs.12,31,852/- had been shown in the books of accounts of the Company in liquidation as a debt to be

K.KUMARESH BABU, J.



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received from the respondent. The said books of accounts had been marked as Ex.P1. It has been deposed that in respect of demand notice dated 12.12.2018, the respondent had not responded too.

4. In spite of the notice issued by this Court, which has been effected by substituted service, the respondent had failed to appear before this Court. Hence, I am of the conclusive view that the applicant had proved the debt payable by the respondent.

5. In fine, this application is ordered as prayed for. The respondent is directed to pay a sum of Rs.12,31,852/- together with interest at 18% per annum from 18.06.2014 within a period of eight weeks from the date of receipt of a copy of this order.

16.08.2024

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