



I.P.No. 18 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
CORAM
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

DATED : 28.10.2024

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T.Krishnamoorthy,
Son of Thalappan,
No.17-B, Mathu Apartments,
Second Main Road,
Alwarthirunagar Annexe,
Chennai 600 087.

... Petitioner/Petitioning Creditor

Vs

R.Pannerselvam,
Proprietor Metrix Interior Solution,
No.9, "P" Block, Rajamannar Colony,
Justice Rajamannar Salai,
K.K.Nagar, Chennai 600 078.
Now residing at No.216, D Block,
15th Floor, TNHB 606,
Govt. Employees Rental Quarters,
Thirumangalam, Chennai- 40.

... Respondent/Debtor

PRAYER: Insolvency Petition filed under Section 9(2), 10, 11, 12 and 13 of the
Presidency Towns Insolvency Act, 1909 and Order 2 Rule I of the Insolvency
Rules, 1958, to

(a) to adjudicate the respondent herein as insolvent and direct that the estate
of the respondent vest with the Official Assignee, High Court, Madras to be



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administered in a regular manner;

(b) to direct the cost in this petition to come out from the estate

(c) to pass such other or further order.

For Petitioning Creditor : Mr.A.Babu

For Debtor : No Appearance

ORDER

This instant Insolvency Petition had been filed seeking to declare the respondent as insolvent.

2. In spite of notice served on the respondent both through court and privately and his name being printed in the cause list and called out there has been no representation either by the respondent or anyone representing the respondent. Hence he is set ex-parte.

3. Heard the learned counsel for petitioning creditor and perused the accompanying affidavit filed in support of this application.

4. The respondent had suffered a decree on the hands of the petitioner and had also not attended as early as on 11.01.2024 and in spite of having been called to honor the decree, failed to make the payment. An insolvency notice in



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I.N.No.11 of 2024 was issued and he had not taken any steps to set aside the said insolvency notice.

5. From the above facts it is amply clear that the respondent was neither interested to repay the loan amount nor to contest the case. Therefore, it is clear that the respondent wants to wriggle out of the liability under the judgment and decree and hence, is evading payment to the petitioner. Hence, I do not find any impediment in adjudicating the respondent as insolvent.

6. Accordingly, this Court is inclined to pass the following orders:

- i) This Insolvency Petition is allowed.
- ii) The respondent/debtor is hereby adjudicated as insolvent.
- iii) This Court directs that the estate of the respondent/debtor be vested in the learned Official Assignee of Madras.
- iv) The petitioning creditor is directed to deposit a sum of Rs.5,000/- with the learned Official Assignee and the said amount shall be paid by the learned Official Assignee, from and out of the estate of the respondent/debtor to the petitioning creditor.

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Index :Yes/No

Speaking Order/ Non-Speaking Order

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K.KUMARESH BABU, J.
Gba

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