



A.No.248 of 20

A.No.248 of 2024
in I.P.No.16 of 2019

K.KUMARESH BABU,J.

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The present application has been filed for condoning the delay of 1085 days in filing the discharge petition.

2. Heard the learned counsel for the applicant and the learned appearing on behalf of the first respondent.

3. The application had been filed on the ground that the address of the applicant had been given in the application as a address at Chennai, wherein the applicant had shifted his residence from Chennai to Karur in the year 2017 and that he was not aware of the proceedings. Only when the notice came to be received by the vendor of the applicant with regard to an application to set aside the sale of property, the applicant was aware of the proceeding and hence he seeks to condone the delay of 1085 days in filing the discharge petition.

4. The learned counsel for the applicant would reiterate the statement made in the affidavit and submitted that the applicant neither had knowledge of the insolvency notice nor the insolvency petition, where he had been adjudicated as insolvent. Further, she would submit that the applicant had



WEB COPY

A.No.248 of 20



valuable properties which is worth more than the amount that is claimed to be due by the petitioner/ creditor and therefore would pray this court to condone the delay enabling him to file an appropriate application.

5. I have heard the submissions made by the learned counsel for the applicant and also perused the affidavit filed in support of the application to condone the delay.

6. The applicant in the affidavit filed in support of the application had submitted that he had shifted his residence to Karur in the year 2017 and that he was not aware of the proceedings in the insolvency petition. The applicant had also averred that even as early as in the year 2021, the Official Assignee had addressed letters to his residential address at Karur for appearance before the Official Assignee on various dates which he has also admitted to have not attended apprehending the arrest. The said statement made by the applicant is not supported by any material facts. From the court records it could be seen that a notice in the insolvency petition had been sought to be served upon the applicant and the applicant himself had acknowledged the receipt of the notice to his address at Karur. The same had been marked as exhibit P3 in the insolvency petition proceedings. The applicant in spite of notice that has



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A.No.248 of 20

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30.09.2024
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