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Comp. A. No.638 of 2023

**Comp. A. No.638 of 2023
in
C.P. No.173 of 2001**

ABDUL QUDDHOSE, J.

This application has been filed to direct the Official Liquidator to pay the applicant the admitted amount of Rs.28,99,669/-, which is an admitted amount due and payable by the Company under Liquidation.

2. On the last hearing date i.e. on 22.11.2024 when this application was taken up for hearing, the learned Dy. Official Liquidator submitted that this application has been filed prematurely. She submitted that the applicant is an unsecured creditor and therefore unless and until the priority creditors' claims have been adjudicated, the question of considering the applicant's claim at this stage does not arise. Further, the learned counsel for the applicant was directed to get further instructions with regard to the submissions made by the learned Dy. Official Liquidator.

3. Today, the learned counsel for the applicant would fairly state that the applicant is only an unsecured creditor and therefore, he will rank only after the priority creditors. The learned Dy. Official Liquidator would submit that once the priority creditors of the Company under Liquidation is settled, in case, if there is any money available to the credit of the Company under Liquidation, the applicant's claim can be considered for payment.



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4. After recording the submissions of both the learned counsel for the applicant and the learned Dy. Official Liquidator, this Court is of the considered view, as rightly contended by the learned Dy. Official Liquidator, this application has been filed prematurely as the claims of the priority creditors are yet to be settled. Therefore, this application viz., Comp. A. No.638 of 2023 is disposed of, as the same has been filed prematurely. But in order to protect the interest of the applicant, a direction is issued to the Official Liquidator that after settlement of all the priority creditors, the applicant's claim for payment of the admitted amount of Rs.28,99,669/- can be considered for payment by the Official Liquidator.

29.11.2024

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