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Comp.A.No.540 of



Comp.A. No.540 of 2022
in
C.P. No.178 of 2015

K. KUMARESH BABU, J.

The present application has been filed seeking for the following relief:

- a) To take this report on record.
- b) To direct the Respondent/debtor to pay a sum of Rs.14,82,999.86 towards dues as mentioned in para 6 along with subsequent interest at 18 percentage p.a. From 01.11.2022 to the date of full and final payment.
- c) To permit the Official Liquidator to incur the cost of this application from and out of the funds of the company in Provisional Liquidation and
- d) To pass such other order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Heard Ms.B.Ambili, learned Deputy Official Liquidator.

3. The Respondent had been served through substituted service as directed by this Court and recording substituted service the application was directed to be listed before the Master on 07.06.2024. When the evidence was recorded by the learned Master, there has been no representation by the respondent. The learned Master has also recorded on 13.08.2024, even when the evidence is recorded



posted before this Court.

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4. Today, when the matter was taken up for hearing, inspite of the respondent's name being printed in the cause list, there is no representation on the side of the respondent.

5. I have perused the materials available on record and also the deposition and the Exhibits marked through PW1. From Exhibit-A1, which is a photocopy of the statement of the affairs of the company in liquidation dated 11.12.2019, it could be seen that the amount claimed in the application is admitted to be an amount to which the company is entitled to receive from the respondent. Exhibit P2 is the office copy of the demand notice dated 01.10.2020 issued to the respondent, Exhibit A3 is the returned cover and Exhibit A4 is the photocoy of the letter dated 17.09.2020 addressed to the Official Liquidator from the Inspector General and Commissioner of Police, Kochi City regarding the whereabouts of the debtor and Exhibit A5 is the copy of the paper publication effected in one issue of Malayalam Daily “Janmabhoomi”. From Exhibits A1 and P2, I am of the view that the demand made in this application stands proved and in view of the same, I am inclined to allow the application.

6. In such view of the matter, the application is ordered. The respondent is

directed to make the payment for a sum of Rs.14,82,999.86/- together with



Comp.A.No.540 of

interest at 18% per annum within a period of eight (8) weeks from the date of receipt of a copy of this order.

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23.08.2024

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