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Appln.Nos.110, 111 and 112 of 2024
in
I.P.No.25 of 2014

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Dr.G.JAYACHANDRAN,J.
and
C.V.KARTHIKEYAN,J.

These applications have been filed against the order passed by the Official Assignee on 29.09.2023 made in Claim Petition Nos.271 to 273 of 2016 respectively in I.P.No.25 of 2014.

2. Similar affidavits have been filed in three claim petitions (i)C.P.No.271 of 2016 for Rs.1,10,00,000/-; (ii)C.P.No.272 of 2016 for a sum of Rs.7,00,00,000/- which are perpetrated to have been executed in favour of Prabhakaran, Vijayalakshmi, Aravindhan and Ravindran; and (iii)C.P.No.273 of 2016 for a sum of Rs.1,00,00,000/- perpetrated to have been executed by Arjunlal Sunderdas in favour of Hotel A.R.A.P.Pvt.Ltd. The affidavits contained the same averments.



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3. The petitioner herein by way of claim petitions Nos.271 of 2016, 272 of 2016 and 273 of 2016 relying upon pro-notes alleged to have been executed by S.Arjunlal Sunderdas, insolvent, has made a claim for Rs.1,10,00,000/-, Rs.7,00,00,000/- and Rs.1,00,00,000/- respectively. Admittedly, there is no proof that he owes the money transacted except the piece of pro-note.

4. According to the affidavit filed by the claimant, 30 years prior to execution of the pro-note, the executant Arjunlal Sunderdas had transaction with the father of the claimant and in the said course of that transaction, the liability has been accrued, finally, it has culminated in the execution of pro-notes dated 01.02.2014.

5. The Official Assignee had extracted paragraph No.14 of the additional affidavit of the claimant which says that since it was a transaction done 30 years back, the accounts have been written off and the ledger was not able to be traced and citing this admission, dismissed the claim petitions.



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6. It is the case where the insolvency petition was filed by one of the creditors by name Chitra Desai. Soon after notice to Arjunlal Sunderdas-debtor, he admitted his insolvency and he had disclosed his assets and liability. Also in one of the proceedings he has filed an affidavit stating that some of the creditors had forced him to affix signatures in blank pro-notes.

7. In his affidavit, he has not disclosed about any liability payable to the petitioner herein, who claims to be the Director of A.R.A.P. Enterprises Private Limited.

8. In the said circumstances, relying upon the pro-notes alleged to have executed by Arjunlal Sunderdas, the claim petitions had been filed. The pro-notes are in favour of A.R.A.P. Enterprises Pvt. Limited and their individual names. The affidavit filed along with the pro-notes indicate that the deponent was not aware of the exact money transaction between the insolvent and his father since it happened 30 years ago. The



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said transaction made by his father 30 years ago have been written off in the accounts claiming that the debtor had failed to pay the interest for three consecutive hearings.

9. Thus, from his own affidavit, we find a hopelessly time barred debt is being tried to be given a life, after this Court had adjudicated Arjunlal Sunderdas as insolvent. Apparently, in all these three pro-notes, the executant's name is found to have been written in a different ink and in different manner, which also gives great suspicious.

10. Be that as it may, since admittedly, it is a time barred claim, there is no scope to entertain these frivolous petitions. Therefore, the Official Assignee has rightly dismissed the claim petitions. The present applications filed challenging the dismissal of the claim petitions deserves no merit for consideration.



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11. Hence, these Applications are dismissed. No costs.

(Dr.G.J.J.) **(C.V.K.J.)**
11.06.2024

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