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Appln. Nos.31 and 32 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Appln. Nos.31 and 32 of 2025

in

I.P.No.84 of 1999

The Official Assignee

... Applicant
In both Applns.

Vs.

S. Liyakath Ali

... Respondent
In both Applns.

COMMON PRAYER: To annul the order of adjudication dated 17.08.1999 adjudicating the debtor S. Liyakath Ali as insolvent under Section 41 of the Presidency Towns Insolvency Act, 1909 should not be passed and to pass an order closing the administration of the Insolvency proceedings in I.P.No.84 of 1999.

For Applicant
In both Applns. : C. B. Meena
The Official Assignee

For Respondent
In both Applns. : Set exparte



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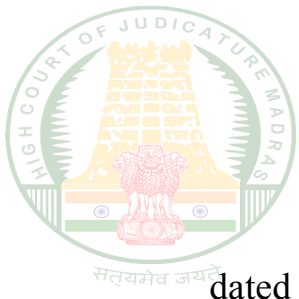
COMMON ORDER

As directed by this Court, Registry has printed the name of the debtor in the cause list today. The debtor was served through substituted service by effecting paper publication as directed by this Court's order dated 14.07.2025. This application has been filed by the learned Official Assignee, seeking the following relief:

a) To annul the order of adjudication dated 17.08.1999, adjudicating the debtor, S. Liyakath Ali as insolvent as per Section 41 of the Presidency-Towns Insolvency Act, 1909; and

b) To pass an order to close the administration of the insolvency proceedings.

2. Despite service of notice on the respondent / insolvent in this application, he has chosen not to enter appearance in this application. Hence, the respondent / insolvent is set exparte by this Court in this application. The respondent / insolvent was adjudicated as an insolvent on 17.08.1999, by an order of this Court passed in I.P.No.84 of 1999.



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3. As seen from the report submitted by the learned Official Assignee dated 04.02.2025, the insolvent had filed schedule of affairs and he discloses his liability towards 38 unsecured creditors for a sum of Rs.26,38,000/- and in the schedule of affairs, no secured creditors have been disclosed. No immovable property has also been disclosed in the schedule of affairs.

4. The learned Official Assignee has stated in the report that so far no claim has been received before the office of the learned Official Assignee. No debtors have also been disclosed by the insolvent. The learned Official Assignee has also stated in the report that the insolvent has not assisted the insolvency office in the assets investigation.

5. It is also noted from the report of the learned Official Assignee that the insolvent filed his discharge application and the same was also dismissed by the order of this Court dated 18.02.2002. The learned Official Assignee has also stated that the insolvent did not renew the discharge application thereafter.



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6. According to the learned Official Assignee, the insolvent would not be entitled for the benefits of the provisions of the Presidency-Towns Insolvency Act, 1909. Accordingly to the learned Official Assignee, only a sum of Rs.1,242/- is available in the estate of the insolvent.

7. By stating the aforesaid reasons, the learned Official Assignee seeks for annulment of the order of adjudication dated 17.08.1999 as per the provisions of Section 41 of the Presidency-Towns Insolvency Act, 1909 and the learned Official Assignee also seeks for closing of the administration of the insolvency proceedings.

8. This Court is satisfied with the report submitted by the learned Official Assignee dated 04.02.2025 and therefore, in terms of the prayer sought for in this application by the learned Official Assignee, this Court will have to allow this application.

9. Accordingly, this application is allowed as prayed for by

a) Annuling the order of adjudication dated 17.08.1999, adjudicating



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the debtor S. Liyakath Ali as insolvent as per Section 41 of the Presidency-

Towns Insolvency Act, 1909; and

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b) By closing the administration of the insolvent proceedings in respect of the estate of the insolvent S. Liyakath Ali.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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ABDUL QUDDHOSE. J.,

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