



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

IP No. 33 of 2025

J.Prabhu

Petitioning Creditor

Vs

1.Mrs.Santhana Lakshmi
W/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.

2.Mr.Vignesh
S/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.

3.Mrs.Sindhu
D/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.

Respondent(s)/Debtor(s)



WEB COPY

PRAYER Petition filed under Sections 9, 10, 11, 12 and 13 of the Presidency Towns Insolvency Act III of 1909 and Order III-A of the Insolvency Rules, 1958, to adjudicate the debtor as insolvent, to direct that the estate of the debtor be vested in the Official Assignee of Madras, for the benefit of the General body of creditors of the debtor, to order that the costs of this petition be paid by the Official Assignee of Madras, from and out of the estate of the debtor to the petitioning creditor.

For Appellant(s): Mr.S.Kingston Jerold

For Respondent(s): No Appearance

ORDER

This petition has been filed to adjudicate the respondents/debtors as Insolvents and to direct the estate of the debtors to be vested with the Official Assignee of Madras, for the benefit of General Body of creditors.

2.The petition has been filed based on the Judgement and Decree passed in O.S.No.1166 of 2020 by the learned XXIII Additional City Civil Court at Chennai dated 11.08.2023, directing the respondents to pay a sum of Rs.33

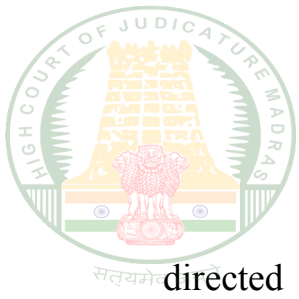


WEB COPY

Lakhs with interest at the rate of 12% per annum from the date of plaint till the date of Decree and thereafter, at the rate of 6% per annum till the date of realization.

3.The petitioner filed I.N.No.2 of 2024 before this Court for issuing Insolvency Notice to the respondents/debtors. Notice was effected through paper publication on 13.03.2025. The debtors failed to make any payment or file any application seeking to set aside the Insolvency Notice. Hence, the present petition has been filed, within a period of thirty days to adjudicate the respondents/debtors as Insolvent, since the petitioning creditor has issued Insolvency Notice to respondents and the date of the act of insolvency arose on 13.03.2025.

4.This Court ordered notice to the respondents and since the same was not able to be served, this Court also ordered for private notice. Even, the private notice was not able to be served on the respondents. Hence, this Court



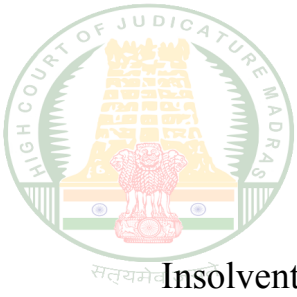
directed the learned counsel for the petitioner to effect paper publication.

WEB COPY

Accordingly, paper publication was effected and affidavit of service was also filed on 22.09.2025. This Court directed the Registry to print the name of the respondents/debtors in the cause list and the matter was listed for hearing today.

5.This Court heard the learned counsel for the petitioner and carefully perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and considering the materials placed before this Court and taking note of the fact the Decree passed by the Civil Court in O.S. No.1166 of 2020 dated 11.08.2023, has become final and the act of insolvency arose on 13.03.2025, when the notice was effected in I.N. No.2 of 2024 and the Debtors failed to make payment or file an application to set aside the insolvency notice, the requirements under Section 9 of the Presidency Towns Insolvency. Act, 1909 has been satisfied and hence, the respondents/debtors are adjudicated as



WEB COPY

Insolvents. There shall be a direction that the estate of the Debtors will vest with the Official Assignee of Madras for the benefit of General Body of creditors and there shall be further direction to the Official Assignee to deal with the estate for settling the general body of creditors.

7.This petition is disposed of in the above terms.

06-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



WEB COPY

To

1.Mrs.Santhana Lakshmi

W/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.

2.Mr.Vignesh

S/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.

3.Mrs.Sindhu

D/o.A.Sivakumar, No.36, 1st Floor,
10th Street, I Block, Anna Nagar East,
Chennai-600 102.



WEB COPY



7/7

IP No. 33 of 2025

N.ANAND VENKATESH J.

SSR

IP No. 33 of 2025

06-10-2025