

WEB COPY



APPLN.No.92 of 2025

in

I.P.No.29 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

APPLN.No.92 of 2025
in I.P.No.29 of 2012

S.Deivalingam (Deceased)
1.D.Chandra
2.D.Kalaiarasan

Applicants

Vs.

1.The Official Assignee,
High Court, Madras.

2.Miriam Amon

Respondents

Prayer: Application filed under Sections 7 and 86 of Presidency Towns Insolvency Act, 1909 and Order II Rule 1 of Insolvency Rules, 1958, to set aside the order dated 01.04.2025 in Claim No.157 of 2024 in I.P.No.29 of 2012 passed by the first respondent/Official Assignee, High Court, Madras and direct the first respondent/Official Assignee to pay a sum of Rs.10,21,007/- to the applicants towards the claim amount as Creditor.

For Applicants : Mr.A.Babu

For Respondents : Ms.C.B.Meena
Official Assignee
for R1



APPLN.No.92 of 2025
in
I.P.No.29 of 2012

WEB COPY

ORDER

This Application has been filed to set aside the order dated 01.04.2025 passed by the Official Assignee in Claim No.157 of 2024 in I.P.No.29 of 2012 and for a direction to the Official Assignee to pay a sum of Rs.10,21,007/- to the applicants towards the claim amount as Creditors.

2. Heard Mr.A.Babu, learned counsel appearing for the applicants and Ms.C.B.Meena, appearing for the first respondent.

3. The Official Assignee passed the claim order dated 01.04.2025 based on the decree that was passed by the VI Assistant City Civil Court, Chennai, in O.S.No.1681 of 2010 dated 24.11.2010. As per the decree, the defendant had to pay to the plaintiff a sum of Rs.5,16,000/- together with interest at the rate of 9% per annum from the date of plaint till the date of decree and thereafter, at the rate of 6% per annum from the date of decree till the date of realization. That apart, the defendant must also pay a sum of Rs.40,349/- towards costs.



APPLN.No.92 of 2025

in

I.P.No.29 of 2012

WEB COPY

4. The Official Assignee had taken this decree into consideration and has calculated the interest in the following manner:-

<i>Sl. No</i>	<i>Decree O.S.No.</i>	<i>Decree Amount</i>	<i>Principal Amount</i>	<i>Date of plaint</i>	<i>Date of Decree</i>	<i>No. of days</i>	<i>Rate of Int</i>	<i>Interest Amount</i>
1	1681/2010	5,16,000	3,00,000	11.02.2010	24.11.2010	286	9%	21,156

<i>Sl. No</i>	<i>Decree O.S.No.</i>	<i>Decree Amount</i>	<i>Principal Amount</i>	<i>Next Date of Decree</i>	<i>Date of till realization</i>	<i>No. of days</i>	<i>Rate of Int</i>	<i>Interest Amount</i>
1	1681/2010	5,16,000	3,00,000	25.11.2010	31.03.2025	5240	6%	2,58,411

<i>Decree Amount</i>	5,16,000
<i>Interest Amount 11.02.2010 to 24.11.2010 (9%)</i>	21,156
<i>Interest Amount 25.11.2010 to 31.03.2025 (6%)</i>	2,58,411
<i>Cost</i>	40,349
<i>Total Amount</i>	8,35,916

5. After having calculated the interest and added the same to the decree amount and costs, a total sum of Rs.8,35,916/- was admitted as the claim made by the petitioning Creditors.

6. The learned counsel appearing for the applicants submitted that



APPLN.No.92 of 2025

in

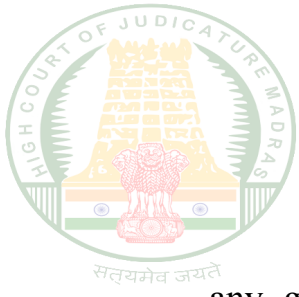
I.P.No.29 of 2012

WEB COPY

the Official Assignee erred in calculating the interest on the principal amount of Rs.3,00,000/-, instead of the decree amount of Rs.5,16,000/-.

7. The above submission made by the learned counsel appearing for the applicants is unsustainable. The sum of Rs.5,16,000/- consisted of the principal amount component of Rs.3,00,000/-. To that principal sum, the petitioning creditors have added the interest till the date of filing of the suit and had sought for a sum of Rs.5,16,000/- However, insofar as the payment of interest is concerned, the trial Court had awarded 9% interest per annum from the date of plaint till the date of decree and thereafter, at the rate of 6% per annum from the date of decree till the date of realization. This interest amount obviously has to be calculated only on the principal sum. If the interest amount is calculated on the total decree amount of Rs.5,16,000/-, which admittedly consists of interest component apart from the principal sum of Rs.3,00,000/-, it will tantamount to imposing interest over interest which was never contemplated by the decree.

8. In the light of the above discussions, this Court does not find



APPLN.No.92 of 2025
in
I.P.No.29 of 2012

WEB COPY

any ground to interfere with the claim order passed by the Official Assignee.

9. Accordingly, this Application stands dismissed.

08-09-2025

ssb

Index:Yes/No

Speaking order/Non-speaking order

NCC:Yes/No



WEB COPY



APPLN.No.92 of 2025
in
I.P.No.29 of 2012

N.ANAND VENKATESH, J

ssb

APPLN.No.92 of 2025
in I.P.No.29 of 2012

08.09.2025