



WEB COPY



APPLN.No.99 of 2025

in

I.P.No.28 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

APPLN.No.99 of 2025
in I.P.No.28 of 2024

The Official Assignee,
High Court, Madras.

Applicant

Vs.

1.T.Krishnamoorthy
2.R.Pannerselvam

Respondents

Prayer: Application filed under Section 34(1)(a) of the Presidency Towns Insolvency Act, 1909, to issue a warrant addressed to the Commissioner of Police, Chennai, to arrest the insolvent/second respondent herein viz., R.Pannerselvam, both are residing at No.216, D Block, 15th Floor, TNHB 606, Government Employees Rental Quarters, Thirumangalam, Chennai-600 040.

For Applicant : Ms.C.B.Meena
Official Assignee

For Respondents : Mr.A.Babu
for R1



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ORDER

This application has been filed for a direction to issue warrant in order to secure the second respondent/insolvent who refused to appear before the Official Assignee inspite of the notice served on him.

2. When the matter was taken up for hearing today, Ms.J.R.Archana, learned Government Advocate submitted that non-bailable warrant was executed and the second respondent was produced before the learned XIII Judicial Magistrate, Chennai, today morning. At the time of hearing, the second respondent was present before the Court.

3. The Official Assignee stated that earlier the second respondent had paid a sum of Rs.50,000/- on 06.02.2025 and thereafter, he paid a sum of Rs.2,50,000/- on 19.08.2025.

4. The learned counsel appearing for the petitioning Creditor



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submitted that the second respondent was convicted and sentenced for the offence under Section 138 of Negotiable Instruments Act, 1881 and the appeal filed by him was also dismissed for default and therefore, steps are being taken to execute the warrant for making the second respondent undergo the sentence imposed by the trial Court.

5. The second respondent, who was produced before the Court, stated that he will settle the entire dues by November 2025 and he had also sought for time in this regard before the Official Assignee.

6. In the light of the above development, the second respondent shall be present before the Official Assignee as and when summon is issued for his appearance. It is also left open to the Creditor to proceed further to execute the warrant, pursuant to the dismissal of the appeal filed by the second respondent against the order of conviction and sentence for the offence under Section 138 of Negotiable Instruments Act.



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7. This Application is disposed of with the above terms.

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ssb

Index:Yes/No

Speaking order/Non-speaking order

NCC:Yes/No



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N.ANAND VENKATESH, J

ssb

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