



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**COMP.A No. 118 of 2025
IN CP NO. 230 OF 2004**

R.Vijayakumar

..Applicant(s)

Vs

The Official Liquidator,
High Court, Madras
as the Provisional Liquidator
of M/s.RBF NIDHI LIMITED
(In Provisional Liquidation)
Corporate Bhavan, 2nd Floor,
No.29, Rajaji Salai, Chennai-600001.

..Respondent(s)

PRAYER: To Pass an order directing the Respondent herein to return to original documents of the properties mentioned in the schedule of property and consequently direct the Respondent herein to come forward and execute appropriate instruments for cancellation of the mortgages registered as Document No.7993/1990 Book-1, Vol.1133, Pages 113 to 118 in respect of HML 66 and Document No.7994/1990 Book-1, Vol 1133, Pages 119 to 124 in respect of HML 67, registered on 30.10.1990 on the file of the S.R.O .Ambattur.

For Applicant(s):

Mr.Karthik Seshadri
for M/s.Guru Dhananjay



For Respondent(s):

Ms.B.Ambili, Deputy Official Liquidator

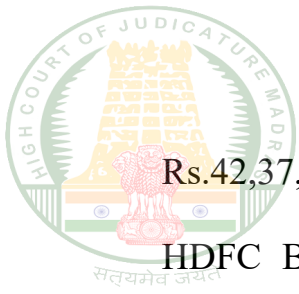
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ORDER

The applicant had availed of two loans from the company in liquidation. The first loan (HML 66) was for a sum of Rs.1,90,000/- and the second loan (HML 67) was for a sum of Rs.2,90,000/-. As security, the applicant had mortgaged the immovable properties described in the schedule to the Judge's summons.

2. In Comp.A.No.1823 of 2007, by order dated 09.06.2008, the applicant was directed to pay a sum of Rs.13,71,401/- within a period of two months from the date of receipt of a copy of that order. Aggrieved by the order, the applicant filed O.S.A.No.343 of 2008 before the Division Bench. By order dated 11.10.2011, the Division Bench directed the applicant to pay a sum of Rs.13,71,401/- with interest at the rate of 12% per annum from 01.01.2008. Such payment was to be made within a period of four months from the date of receipt of a copy of the judgment. The applicant failed to make payment as per the judgment of the Division Bench.

3. Therefore, the Official Liquidator took steps to bring the property for sale. No progress was made in the sale application and even the sale notice was not published. In these circumstances, the applicant paid a sum of



Rs.42,37,630/- under D.D.No.007895 dated 23.05.2025 and drawn on the HDFC Bank, Mandaveli Branch. After making such payment, the present application has been filed for redemption of the mortgages.

4. The applicant has provided a calculation of the amount payable at the 24% per annum interest rates stipulated in the two loan agreements. The amount payable has been mentioned as an aggregate sum of Rs.44,66,551.23/-. After giving credit to the sum of Rs.42,37,630/- paid by the applicant, it is stated that the amount payable is Rs.2,28,921/-.

5. The Official Liquidator submits that the calculation provided by the applicant is incorrect. It is submitted that the Division Bench directed payment of Rs.13,71,401/- with interest at 12% per annum; subject to the condition that payment be made within four months. In contravention, the payment was made only on 23.05.2025.

6. As pointed out by the Official Liquidator, the applicant was required to pay the sum of Rs.13,71,401/- with interest at 12% per annum within four months from the date of receipt of a copy of the judgment. Assuming that the judgment was received within a few days, the amount should have been paid by February 2012. The applicant cannot be allowed to go scot-free after not complying with the terms of the Division Bench judgment. Therefore, the applicant shall pay interest at 15% per annum from February 2012 on the sum



of Rs.13,71,401/-. After giving credit to the sum of Rs.42,37,630/- paid on 23.05.2025, the balance shall be remitted to the Official Liquidator on or before 31.05.2026. Subject to receipt of said payment, the Official Liquidator is directed to return the original documents pertaining to the properties described in the schedule to this application and execute appropriate instruments for the cancellation / discharge of the mortgages.

7. This application is disposed of on the above terms.

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SENTHILKUMAR RAMAMOORTHY, J.

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