



WEB COPY

APPLN No. 7 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

APPLN No. 7 of 2025

IN

IP NO. 17 OF 2024

P.A.Lakshminarayanan

..Applicant(s)

Vs

1. M.Annam
2. The Official Assignee,
High Court, Madras – 600 104.

..Respondent(s)

Judge's Summons filed under ORDER II Rule I of the Insolvency Rules, 1958 read with Section 7, 90 (1) of the Presidency Town Insolvency Act, 1909, to set aside the exparte order of adjudication dated 27.08.2024 in I.P.No.17 of 2024.

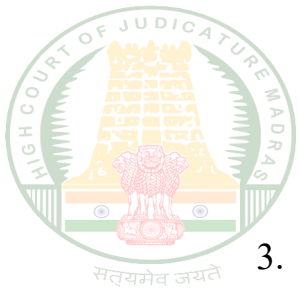
For Applicant(s): Mr.Balagopal
For Mr.S.Ravichandran

For Respondent(s): Mr.K.V.Babu
For M/s.B. Thiyagarajan

ORDER

This application has been filed to set aside the exparte order of adjudication dated 27.08.2024 in I.P.No.17 of 2024.

2. Heard both sides.



3. The applicant had been set *ex parte* as early as on 26.07.2024.

Thereafter, when the matter was listed on 12.08.2024, a learned counsel had appeared on behalf of the respondent/applicant and sought time to either settle the matter or contest the proceedings, undertaking to file vakalat. However, noting that no vakalat had thereafter been filed and that the counsel, who had represented the Court on 12.08.2024, was not presented before this Court, this Court had proceeded to allow the Insolvency Petition on 27.08.2024. Thereafter, the present application to set aside the *ex parte* order had been filed.

4. It is to be noted that pending the said application, the intra court appeal filed by the petitioner was also dismissed and was affirmed by the Hon'ble Apex Court. During the pendency of the Special Leave Petition before the Hon'ble Apex Court, the petitioner had been directed to deposit 50% of the decretal amount, which he had complied with.

5. However, it is to be noted that this Court by order dated 11.08.2025 had *prima facie* held that, for setting aside the *ex parte* order of adjudication passed by this Court, the entire decretal amount would have to be deposited. On the said *prima facie* conclusion arrived by the Court, the learned counsel for the applicant had sought time to get instructions. When the matter was listed on 25.08.2025, the petitioner had attempted to resist the *prima facie* finding made



by this Court. Again when the matter was taken up on 08.09.2025, it is to be noted that the intra court appeal was pending on the said date. Thereafter, both the intra court appeal as well as the Special Leave Petition filed by the petitioner came to be rejected.

6. In such view of the matter, this Court is of the view that the *ex parte* order could be set aside, if the petitioner makes good the balance decretal amount.

7. Accordingly, this application stands allowed, on condition that the applicant deposits the entire decretal amount (including interest), deducting the amount already deposited pursuant to the orders of the Hon'ble Apex Court, within a period of eight (8) weeks.

12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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