

(2012) 09 KAR CK 0285

In the Karnataka High Court

Case No : Company Application No. 1075 of 2012 in Company Petition No. 166 of 2001

B. Veerappa Dead by LRs, (Smt. Sharadamma, Manjunath, Shanthshree and Savitha

APPELLANT

Vs

The Official Liquidator, The Mysor Kirloskar Ltd.(in Liqn.)

RESPONDENT

Date of Decision : 20-09-2012

Acts Referred:

Citation : (2012) 09 KAR CK 0285

Hon'ble Judges : L. Narayana Swamy, J

Bench : Single Bench

Advocate : R.B. Contractor and Mallikarjun G, for the Appellant; K.S. Mahadevan and V. Jayaram, for OL, for the Respondent

Judgement

L. Narayana Swamy

1. This application is filed by the legal heirs of deceased B. Veerappa who was an ex-employee of M/s. Mysore Kirloskar Limited, Harihar, which was under liquidation, seeking for disbursement of claims of the deceased without insisting for production of Succession Certificate. It is submitted that applicants' name are required to be entered in the adjudication proceedings by the Official Liquidator. It is also contended that they are unable to file Probate & Succession case before the Civil Court to obtain succession Certificate and they are ready and willing to give indemnity bond, and as such, they are seeking direction to the Official Liquidator to accept the indemnity bond and to enter the names of the applicants. They have also sought for direction to the Official Liquidator to issue Form No. 69 to the legal heirs of the deceased.

2. Learned counsel for the Official Liquidator submits that if the applicants produce the survivor-ship certificate and execute an indemnity bond for the said amount, he has no objection to disburse the amount.

3. It is submitted that this Court, under similar circumstances, in C.A. No. 666 of

2012 in Company Petition No. 166 of 2001 disposed of on 30th August 2012, wherein the respondent in that petition and the respondent in the present petition are same, has issued direction to the Official Liquidator to disburse the amount on production of survivor-ship certificate and on execution of an indemnity bond. Hence, this application is allowed in terms of the order made in C.A. No. 666 of 2012 disposed of on 30th August 2012. Applicants are granted four weeks" time to produce the survivor-ship certificate and to execute indemnity bond. On production of the same, the Official Liquidator shall release or disburse the amount in accordance with law.