

(1929) 10 MAD CK 0009
In the Madras High Court

Kottapalli Bapayya

APPELLANT

Vs

Official Receiver of Guntur and Others

RESPONDENT

Date of Decision : 03-10-1929

Acts Referred:

Provincial Insolvency Act, 1920 — Section 35

Citation : (1929) 30 LW 948 : (1929) 57 MLJ 816

Judgement

1. The question is, does the case fall within Section 35 of the Provincial Insolvency Act? The insolvent applied under that section for the annulment of his adjudication. The section runs thus:

Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that

the debts of the insolvent have been paid in full, the Court shall, on the Application of the debtor, or of any other person interested, by order in writing, annul the adjudication.

2. It is admitted by his counsel that the debts of the insolvent have not been paid in full, but it is stated that all the creditors gave him a complete and

full discharge. That is not enough, for what the section contemplates is, payment of the debts in full. This is the effect of the numerous decisions on

the point. In Muhammad Ibrahim v. Ram Chandra I.L.R.(1925) A. 272 which we follow, the authorities are set forth and we do not propose to

refer to them in any detail. The appeal fails and is dismissed with costs.