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**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**DATED THIS THE 31<sup>ST</sup> DAY OF MAY 2012**

**BEFORE**

**THE HON'BLE MR. JUSTICE A.S. BOPANNA**

**COMPANY APPLICATION NO.629/2012**

**IN**

**COMPANY PETITION NO.166/2001**

**Between :**

Ramachandra, Dead by Lrs.

Smt. Valalaxmi

W/o late Ramachandra

Aged about    years

Do.No.43/B, Guttur Colony

Guttur Post, Harihar-577 601

Davangere District.

**... Applicant**

(By Sri R. B. Contractor & Sri M.G. Contractor, Advs.)

**And :**

The Official Liquidator

The Mysore Kirloskar Ltd., (In Liqn.)

Raheja Towers, 12<sup>th</sup> Floor

M.G. Road, Bangalore.

**... Respondent**

(By Sri K.S. Mahadevan & Sri V Jayaram, Advs.)

This Company Application filed by the counsel for the applicant under Rule 6 & 9 of the Company (Court) Rules, 1956, praying to issue direction to the Official Liquidator to accept Indemnity Bond at the time issuing cheque instead of Succession Certificate in the interest of justice and equity.

This application coming on for orders, this day, the Court made the following:



**ORDER**

The objection raised by the Registry is valid. However, considering the fact that one of the LR of the deceased has filed the instant application and the names of other survivors are as per the legal heirship certificate and since one of the legal representatives is pursuing the instant application, the application is considered subject to the condition that at the time of disbursement, the applicant shall file an indemnity bond indicating that the applicant would be responsible in the event of there being any claim by the others. Further, the applicant shall also secure the other legal representatives to be present and sign their no objection along with the attested photographs.

2. The applicant herein claims to be the legal representative of one deceased Ramachandra, who was a former employee of the Company in liquidation which was ordered to be wound up by this Court vide the order passed in Co.P No.166/2001. The claim application has



already been filed before the Official Liquidator by the deceased employee.

2. The applicant is presently seeking that the Official Liquidator disburse the amount due and payable to the deceased employee in favour of the applicant herein, who has succeeded to the estate of the deceased.

3. The document in support of the claim and an indemnity bond shall be filed by the applicant before the Official Liquidator. On filing the same, the Official Liquidator shall consider the same and disburse the amount in favour of the Legal representatives in equal proportion or to one among them authorised by the other legal representatives.

The application is allowed in the above terms.

Sd/-  
JUDGE

Akc/bms