

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE 2015

BEFORE

THE HON'BLE MR.JUSTICE ANAND BYRAREDDY

COMPANY APPLICATION Nos.215 OF 2015

AND 216/2015 IN COMPANY PETITION NO.166 OF 2001

Between:

M.S.Mariujjappanavar
Since dead by LRs

1. Lalitha
W/o Late M.S.Mariujjappanavar
Aged about 58 years
2. Vajramuni
S/o Late M.S.Mariujjappanavar
Aged about 37 years
Residing at Chalageri Post
Ranebennuru Taluk
Haveri Dist.
3. Renuka
D/o Late M.S.Mariujjappanavar
W/o Manjunatha Yatthinamani
Aged about 33 years
Residing at Chalageri Post
Ranebennuru Taluk
Haveri Dist. ... Applicants

(By Shri T.Narayanaswamy, Advocate)

And:

The Mysore Kirloskar Ltd.
(Company in Liquidation)
Represented by the Official Liquidator
Attached to the High Court of Karnataka
“Corporate Bhavan”, No.26-27
12th Floor, Raheja Towers
Mahatma Gandhi Road
Bangalore – 560 001

... Respondent

(Shri: K.S.Mahadevan and V.Jayaram, Advocates for
Official Liquidator)

The Company Application in C.A.No.215/2015 is filed under Rule 164 read with Rules 6 and 9 of the Companies (Court) Rules, 1959 praying to set aside the notice of rejection of proof of debt to the extent of Rs.2,51,319/- issued by the respondent as at Annexure-A and issue a direction to the respondent to reconsider and pass the claims made by him towards closure compensation, gratuity, bonus, notice pay, interest and other claim and/or to pass any order as deemed fit in the facts and circumstances of the case.

The Company Application in C.A.No.216/2015 is filed under Section 5 of the Limitation Act read with Rules 6 and 9 of the Companies (Court) Rules, 1959 praying to condone the delay of 1478 days in filing the application seeking for review of the notice of rejection of proof of debt and or to pass any other orders as deemed appropriate.

These Applications coming on for Orders this day, the Court made the following:-

ORDER

Company Application No.216/2015 is filed seeking condonation of delay of 1478 days in filing the application seeking review of the notice of rejection of proof of debt. Delay, though inordinate is condoned, for the reason that the applicants are the legal representatives of a deceased former employee seeking benefit of the amount, which was due to them. Accordingly, C.A.No.216/2015 is allowed.

2. The applicants have made several claims including the gratuity, which has been held by this Court in similar circumstances that the applicants would have approached the Gratuity Trust, insofar the claim for gratuity is concerned and the Gratuity Trust would consider their application, if it is found due. Insofar as the closure compensation is concerned, the applicants would be entitled to the same, as has been allowed in similar cases by this Court. The Official Liquidator to reconsider the claim for closure compensation, provided the applicants appear in person

with supporting documents. The Official Liquidator shall furnish the list and on production of which, the claim shall be considered. Further claim towards bonus and notice payable for 3 months is concerned, the applicants would not be entitled to the same, after the winding up order. Therefore, the application in C.A.No.215/2015 is partly allowed in terms as above.

**Sd/-
JUDGE**

AHB