

THE HON'BLE SRI JUSTICE BATTU DEVANAND
CIVIL REVISION PETITION NO.1150 of 2022

ORDER:

Heard the learned counsel for the petitioners and perused the record.

2) This Civil Revision Petition has been filed against the docket order, dated 26.04.2022 in I.P.No.24 of 2021 on the file of the Senior Civil Judge, Narsapur.

3) The petitioners filed I.P.No.24 of 2021 under Sections 10 and 13 of Provincial Insolvency Act, 1920, seeking to declare and adjudicate them as insolvents and for other reliefs, as they are unable to discharge the debts to the creditors shown in the petition "A" schedule. The petition was admitted by the trial Court and ordered notices to Respondent Nos.1 to 39 (creditors) through publication in Eenadu daily newspaper in West Godavari District Edition by 01.07.2022. Aggrieved by the said docket order, dated 26.04.2022, the petitioners filed the present Civil Revision Petition.

4) The learned counsel for the petitioners submits that the petitioners are unable to bear the expenses for publication in Eenadu daily newspaper and no prejudice will be caused to the respondents, if such notices are sent to the respondents

through registered post. The learned counsel for the petitioners further submits that the provisions of Insolvency Act, 1920 and Rules made thereunder does not contemplate sending of notices to the respondents by way of paper publication and as such, the docket order passed by the learned Senior Civil Judge, Narsapur is against to the law and procedure and sought to allow the Civil Revision Petition.

5) Having heard the submissions of the learned counsel for the petitioners and upon perusal of the material available on record, it appears that the petitioners borrowed huge amounts from the respondents for their personal purposes and they did not repay the same. Though the petitioners impleaded 39 respondents in the I.P.No.24 of 2021, there may be some more persons from whom the petitioners borrowed amounts. If the notices are sent by registered post for service of notices, a lot of time will consume for serving notices. Under these circumstances, serving of notices to the respondents by paper publication will helpful for early disposal/adjudication of the issue.

6) It is further to be noted that as per the averments made in the petition filed in the Court of Senior Civil Judge, Narsapur, the petitioners owned "B" schedule immovables and "C" schedule movable car worth of Rs.30,00,000/- and

Rs.15,00,000/- respectively. Considering the same, the contention of the learned counsel for the petitioners that the petitioners could not bear the expenses for publication in the news paper is not acceptable.

7) For the reasons stated above, in the opinion of this Court, there are no merits in this Civil Revision Petition and this Court is not inclined to interfere into the docket order, dated 26.04.2022 in I.P.No.24 of 2021 on the file of the Senior Civil Judge, Narsapur, West Godavari District.

8) Accordingly, this Civil Revision Petition is dismissed.

9) There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE BATTU DEVANAND

Dt.30.06.2022.
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C.R.P.No.1150 of 2022

Dt.30.06.2022

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