

IN THE HIGH COURT OF KARNATAKA BENGALURU

ON THE 27<sup>TH</sup> DAY OF FEBRUARY 2015

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

COMPANY APPLICATION NO.56 OF 2015

A/W

COMPANY APPLICATION NO.57 OF 2015

IN

COMPANY PETITION NO.166 OF 2001

**BETWEEN:**

M.R.Vaysamudri  
S/o R.N.Vaysamudri  
Aged about 58 years  
1<sup>st</sup> Main, 3<sup>rd</sup> Cross, K.R.Nagara,  
Harihara – 577 601  
Davanagere District.

...APPLICANT

(By Sri T.Narayanaswamy, Advocate)

**AND:**

The Mysuru Kirloskar Ltd.,  
(Company in Liquidation)  
Represented by The Official  
Liquidator,  
High Court of Karnataka,  
“Corporate Bhavan” No.26-27,  
12<sup>th</sup> Floor, Raheja Towers,

M.G.Road, Bengaluru – 560 001.

..RESPONDENT

(By Sri K.S.Mahadevan & Sri V.Jayaram, Advocates for OL)

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This CA.No.56/2015 is filed under Rule 164 R/w 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.2,76,638.00 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.

This CA.No.57/2015 is filed under Section 5 of the Limitation Act, R/w Rules 6 & 9 R/w Rule 164 of the Companies (Court) Rules 1959, praying to condone the delay of 1487 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 Company Applications coming on for Orders, this day, the Court made the following:

### **ORDER**

Heard the learned counsel for the applicant on condonation of delay of 1487 days in filing the application seeking review of Form No.69 and issue directions to the official liquidator to re-adjudicate the claims of the applicant by way of

admitting closure compensation and gratuity. For the reasons stated in the affidavit, the delay is condoned. C.A. No.51/2015 is allowed.

2. So far as C.A. No.56/2015 is concerned, the applicant having made a claim for Rs.4,93,828/- towards statutory and legal dues as an ex-employee of the company in liquidation, the Official Liquidator on adjudicating the said claim partially allowed the claim to the extent of Rs.2,17,190/- while rejecting the claim of Rs.2,76,638/-. It is stated that the applicant is entitled for the claim set up by him towards various heads. However, in identical circumstances this Hon'ble Court vide order dated 18.12.2014 in C.A. No.1667/2014 has modified the said order in terms thereof. So far as the gratuity amount claimed is concerned, the applicant will have to make out a proper application to the gratuity trust. Hence a direction is issued to the Gratuity Trust to adjudicate such an application in accordance with law. So far as the closure compensation is concerned, the

same requires to be reconsidered by the Official Liquidator. Under these circumstances, the order of adjudication is set aside. The matter is remitted to the Official Liquidator for consideration of the claim of the applicant in accordance with law.

Accordingly, the application is disposed off.

Sd/-  
JUDGE

JJ