



IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI

PRESENT: Thiru. D. Selvam, M.L.,
1st Additional District Judge,
Tirunelveli.

Wednesday, the 12th day of August 2026

I.P. No. 18/2023
(CNR.No.TNTL.0100- 8376-2023)

1. Saravanaperumal
2. Gomu

... Petitioners

// Versus //

1. Kandasamy
2. Meenakshi Sundaram @ Siva
3. Nelson
4. Seetharaman
5. Mahesh
6. Muppidathi
7. Devaraj
8. Joel
9. Krishnan
10. Mathiyalagan
11. Balasubramanian
12. Murugan
13. Murugesan
14. Vincent Paul
15. Prakash
16. Govindaraj
17. Murugan @ Vallimurugan
18. Murugesan
19. Ganesan
20. Murugan
21. Kannan
22. Sankar
23. Kalaiselvi



24. Pachiyappan
25. Sivaraman
26. Sithavel
27. G. Ganesan
28. Subramanian
29. Riamond
30. Revanth
31. Athiraman
32. Manikandan
33. Pandian
34. Swaminathan
35. Jothikumar
36. Kandasamy
37. Ram
38. Namasivayam
39. Muthukumar, The Proprietor,
Varalakshmi Auto Mobile

... Respondents

This petition came before me on 27.07.2025 for a final hearing in the presence of Thiru. R. Thanga Ruban, Advocate for the petitioner and Thiru. R. Ramakrishnan, Advocate for the 4, 23 respondents, Thiru. S. Durgeshwaran, Advocate for the 8th respondent, Thiru. O. Sivasailanathan, Advocate for the 9th, 31st respondents, Thiru. V.P. Ganesan, Advocate for the 12th, 17th respondents, Thiru. K. Selvaraj, Advocate for the 18, 35 respondents, Thiru. K. Muthu Kumar, Advocate for the 24th respondent, Thiru. J. Durai Paul, Advocate for the 27th respondent, called absent and counter not filed and set exparte and the 1, 2, 3, 5, 6, 7, 10, 11, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 28 to 30, 32 to 34, 36 to 39 respondents called absent and set exparte and upon hearing the petitioner's side arguments and upon perusing the material records and having stood over for consideration till this day, this court delivers the following ...



ORDER

1. The Petitioner filed the petition under Section 10 r/w S. 13 of the Provincial Insolvency Act to adjudge the petitioners as Insolvent.

2. The averments in the Petition are briefly as follows:

The petitioners are husband and wife. The 2nd petitioner was a housewife. The petitioners were doing business in the name and style of “Style of Venkateswara Auto Spares” at Ambasamudram. The 1st petitioner has borrowed huge amounts from various persons as mentioned in the schedule. He has paid the dues regularly. Due to the heavy loss of business in the period of Corona Lockdown (March 2020 to September 2022). The petitioners were issued blank cheques, unfilled signed stamp papers, and blank signed promissory notes as security to the creditors towards the loan. So, the petitioners are unable to clear the debts. The respondents have threatened the petitioners with dire consequences for non-payment of the loans. The petitioners have no tangible assets. So, the petitioners had no income to discharge the above-mentioned loans. Hence, the petitioners filed a petition to declare them as insolvent.

3. The respondents had not appeared the court, and had not filed a counter, and were called absent and set exparte.



4. Point for consideration as

Whether the petition can be allowed?

5. To prove the claim, the petitioner was examined as PW-1 and Ex. P-1 to Ex. P-3 were Marked.

6. Answer to the Point:

6.1. Heard. This court carefully perused the petition and oral and documentary evidence.

6.2. To prove the petition, on the petitioner's side, Mr. Saravanaperumal was examined as PW-1, and the 1st petitioner's Aadhaar card is marked as Ex. P-1. The 2nd petitioner's Aadhaar card is marked as Ex. P-2. Family card is marked as Ex. P-3.

6.3. The petitioners filed the petition to declare themselves insolvent on the ground that the petitioners obtained the loans from the respondents and executed blank promissory notes, blank cheques and blank stamp papers towards the loan security. But the petitioners are unable to discharge their loans. The 1st petitioner is examined as PW-1 and Ex. P-1 to Ex. P-3 were marked. As per the evidence of PW-1, the petitioners have made the loan transactions with the respondents and are unable to repay the loans. So, the petitioners sought the relief to declare themselves as insolvent.

6.4. But some of the respondents had appeared in the court and had not filed a counter to contest or deny the loan transactions. At this stage, this court should decide



the case as per the materials available on record.

6.5. As per the allegations, the petitioner borrowed the loan and executed unfilled blank Cheques, Stamp Papers and promissory notes. But the petitioners have not disclosed their cheque number in their petition. Further, the petitioners have not filed any documents about the loan transactions. But the petitioners disclosed the details of the loan particulars in the petition. But the respondents have not opposed the above loan details and did not come forward to contest the case.

6.6. Further, the petitioners have not filed any documents about their business and assets of the business, and no affidavit was filed that they had not entered into any transactions or purchase or sale of properties, movable or immovable, with any persons for the past 6 months. Further, the petitioners had not filed any documents regarding his substantial loss of business to prove the genuineness of their case.

6.7. However, the respondents have not come forward to contest the case. So, this court took the adverse presumption under section 118 of the BSA against the respondents and would like to allow this petition by the interest of justice.

7. In the result, this petition is allowed and declared that the petitioners are insolvent. This court directs the petitioners to submit the business account details, debt particulars, and assets and liabilities particulars to the Official Receiver's office, Principal District Court, Tirunelveli within 3 months. No costs.



This order is directly dictated to the Steno-typist and typed by her in the computer, and corrected and pronounced by me in the open Court, on this the 12th day of August 2026.

1st Additional District Judge,
Tirunelveli.

Petitioner's side witnesses: -

PW-1	Mr. Saravanaperumal	1 st petitioner
------	---------------------	----------------------------

Petitioner's side Exhibits: -

Ex. P-1	---	1 st petitioner Aadhaar card	Photocopy
Ex. P-2	---	2 nd petitioner Aadhaar card	Photocopy
Ex. P-3	---	Family card	Photocopy

1st Additional District Judge,
Tirunelveli.

IADJ, Tirunelveli
ORDER (Draft/Fair)
I.P. No. 18/2023
Date:- 12.08.2026