



CNR: KAHC010360582017

NC: 2026:KHC:42060
CA No. 313 of 2017
In COP No.2 of 2000

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE JYOTI M

COMPANY APPLICATION NO. 313 OF 2017

IN

COMPANY PETITION NO.2 OF 2000

BETWEEN:

OFFICIAL LIQUIDATOR OF
M/S. KIRLOSKAR INVESTMENTS &
FINANCE LIMITED (IN LIQN.)
ATTACHED TO HIGH COURT OF KARNATAKA,
"CORPORATED BHAVAN",
NO.26-27, 12TH FLOOR,
RAHEJA TOWERS, M.G.ROAD,
BENGALURU-560001.

...APPLICANT

(BY SRI. SHRISHAIL NAVALGOND, ADVOCATE FOR OL)

AND:

1. SRI. VASUDEV
S/O. RAMRAO DESHPANDE,
R/O. RAM NIVAS,
H.NO.195, 2ND MAIN,
1ST CROSS, NARAYANPUR,
DHARWAD-580008.
- 2 THE DISTRICT CONSUMER
DISPUTES REDRESSAL FORUM,
CIVIL COURT COMPOUND,
P.B.ROAD, DHARWAD.

...RESPONDENTS

(VIDE COURT ORDER DATED 12.12.2024,
SERVICE OF NOTICE TO R2 - HELD SUFFICIENT)





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THIS COMPANY APPLICATION IS FILED UNDER SECTION 446(2)(d) OF THE COMPANIES ACT, 1956 READ WITH RULE 9 OF THE COMPANIES (COURT) RULES, 1959.

THIS COMPANY APPLICATION IS LISTED FOR ORDERS, THIS DAY AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.Shrishail Navalgund, counsel for the Official Liquidator, appeared in person.

2. This application is filed seeking the following reliefs:

a) To grant the interim stay against the execution of the warrant of arrest issued by the District Consumer Disputes Redressal Forum, Dharwad, in the Complaint No.321/2003 in Execution Petition No.30/2016.

or

b) To quash the arrest warrant issued in the Complaint No.321/2003 in Execution Case No.30/2016 against the Official Liquidator and Junior Technical Assistant, Official of the Official Liquidator, Bengaluru.

and

c) To pass such further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.



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3. Mr Vasudev, son of Ramrao Deshpande, filed Complaint No.321/2003 with the Dharwad District Consumer Disputes Redressal Forum, located at Civil Court Compound, P.B. Road, Dharwad. The Branch Manager of KIAFL, respondent No. 1, was given up, while respondent No.2 was ex parte. On June 2, 2004, the Forum ruled in favour of the complainant, directing respondent No.2 to pay Rs.45,591/- and awarding Rs.1,000/- for mental agony, with 12% interest from the date of complaint until payment. The Forum also ordered Rs.100/- in procedural costs to be paid within four weeks.

It is noted that the order was not complied with, leading the complainant to initiate execution proceedings No.30/2016. By that time, the Company had been wound up by an order dated 24.12.2010. The Executing Court, in its order sheet dated 19.08.2016, mentioned the appointment of the Official Liquidator but proceeded with the case and issued an arrest warrant on 03.10.2016 and on later dates. Only then did the Official Liquidator become aware of the Consumer Forum's order, which appeared in the proceedings, and requested that the Court follow the proper procedure for compliance. Despite



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this, the Court issued the arrest warrant. Consequently, the Official Liquidator filed C.A.No.313/2017, upon which the Court granted a stay order, including a stay on the arrest warrant.

4. Counsel for the Official Liquidator urged several contentions.

Sri.Shrishail Navalgund, counsel for the Official Liquidator, states that the office is not contesting the Consumer Forum's order. He further explains that the office is prepared to follow the order strictly within the framework of the Company Law.

He acknowledged that the Consumer Forum accepted the complaint and ordered the respondent No.2 to pay the amount. Due to the company's winding-up, the Official Liquidator must follow the relevant procedures to comply with the Consumer Court's order. The complainant or their legal representative can submit Form No.66 with details of the amounts owed as of today. Upon receiving this form, the Official Liquidator will assess the claim in accordance with the Company Law and disburse the payment accordingly.



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5. Heard the arguments and perused the papers with care.

6. It is undisputed that the Company was wound up by an order dated 24.12.2010. As a result, the Assets and Liabilities currently remain with the Official Liquidator. Consequently, no arrest warrant be issued against the Official Liquidator or his staff. Furthermore, the office of the Official Liquidator acknowledges that the order of the Consumer Forum has become final and is prepared to comply with it. The Executing Court overlooked relevant provisions of the Company Law and incorrectly issued an arrest warrant for the Official Liquidator and staff. Based on these points, the NBW in Execution No. 30/2016 against the Official Liquidator and Junior Technical Assistant is unwarranted and should be cancelled. Therefore, the arrest warrant in Complaint No.321/2003, associated with Execution Case No.30/2016, against the Official Liquidator and Junior Technical Assistant of Bengaluru is also annulled.

In this application, Mr Vasudev, who was originally the complainant, has been arrayed as respondent No.1. After the



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summons was issued, the postal records indicate that he has passed away. Therefore, time was allowed to bring his legal representatives on record. The Court believes that adding the legal representatives does not significantly affect the rights of respondent No.1. If the original complainant has died, his legal representatives can pursue their rights under the Companies Law.

7. Resultantly, the Company Application is ***allowed***.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 2 Sl No.: 11.1