

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 113 OF 2015

Rahul Vasantlal Lodha .. Petitioner
VS.
Bin Hussain Stud Farm Pvt. Ltd. & Ors. .. Respondents

Mr. R. D. Soni i/b. Ram & Co. for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 18 MARCH 2015

P.C. :-

- 1] This civil revision application challenges the order dated 10 December 2014, by which the petitioner's application questioning the maintainability of the suit was rejected.
- 2] The only case set out by the petitioner in the application dated 20 July 2012 questioning the maintainability of the suit was that the plaintiff company had been struck off from the register of companies on 21 February 2008 i.e. the date when the suit was filed.
- 3] It is an admitted position that by subsequent orders made by this Court in the year 2012, the registration of the company has been directed to be restored. Section 560(7) of the Companies Act 1956 provides that upon a certified copy of the order under sub section (6) being delivered to the Registrar for registration the company shall be deemed to have continued in existence as if its

name had not been struck off. In the light of this legal position, the learned Civil Judge was justified in rejecting the petitioner's application dated 20 July 2012.

4] There is neither any jurisdictional error nor any perversity in the making of the impugned order.

5] This civil revision application is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka