

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

***COMPANY APPLICATION NO. 180 OF 2015
IN
REVIEW PETITION NO. (L) NO. 2 OF 2014
IN
COMPANY PETITION NO. 53 OF 2012***

M/s.Parvati Corporation, Mumbai ... Applicant

In the matter between -

M/s.Parvati Corporation, Mumbai ... Petitioner
v/s

M/s.Mayfair Housing Pvt. Ltd., Mumbai. ... Respondent

None present for the applicant.

Mr.Sourav Banerji i/by Maniar Srivastava Associates for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 7TH AUGUST, 2015

P.C.:

This matter has appeared on board on several dates but none had appeared for the applicant/petitioner. On the last date i.e. 10 July 2015 also none appeared, therefore, the matter was listed under the caption 'for dismissal' today.

2. This review petition and the application seeking condonation of delay is placed before me on various occasions. On the last two

dates I had to take this matter separately, making time to sit single from the assignment of the Division Bench. The respondent has been appearing in the review petition.

3. This Court by an order dated 10 October 2013, of which review is sought, dismissed the Company Petition by which winding up of the respondent was sought. While dismissing the petition, it is observed that the defence of the respondent is not moonshine and requires trial and it is open to the petitioner to seek such remedy as may be available in law. By this review petition, some additional evidence is sought to be brought on record. I have perused the evidence. It does not change the view taken that the matter requires detailed adjudication and winding up of the respondent is not a proper remedy.

4. The reason given for delay that some files lying with a Chartered Accountant were discovered after the order, is hardly a reason. The petitioner ought to have taken all the precautions before filing the petition. There is no ground made out to condone the delay. Further, even if the delay is condoned, as stated above, there is no merit in the review petition. The company application is rejected.

(*N. M. JAMDAR, J.*)