

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 38 OF 2015**

IN

COMPANY SUMMONS FOR DIRECTION (L) NO. 458 OF 2014

M/s. Hopewell Enclave Maker Pvt. Ltd. ... Applicant

IN THE MATTER BETWEEN :

M/s. Hopewell Enclave Maker Pvt. Ltd. ... Petitioner

ALONG WITH

COMPANY APPLICATION NO. 37 OF 2015

IN

COMPANY SUMMONS FOR DIRECTION (L) NO. 459 OF 2014

M/s. Greascasa Ceramics Limited ... Applicant

IN THE MATTER BETWEEN :

M/s. Greascasa Ceramics Limited ... Petitioner

Mr. Jamshed Ansari for the Applicants / Petitioners.

Ms. K. Rane, Company Registrar, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 6TH FEBRUARY, 2015

P.C.

1. The above Company Summons for Direction are filed by the Applicants / Petitioners on 15th April, 2014. Thereafter, office had listed objections on 28th April, 2014. Since office objections were not removed by the Advocate for the Applicant, on 30th June, 2014 this Court passed the following order :

“The Applicants shall remove office objections within a period

of two weeks from today, failing which the above Company Summons for Direction shall stand dismissed without further reference to this Court.”

2. The learned Advocate appearing for the Applicants / Petitioners has made an endorsement that office objections have been removed on 3rd July, 2014. On 4th July, 2014 office recorded that objections are not complied with. The Advocate for the Applicants / Petitioners had time to remove the objections upto 14th July, 2014. However, objections were not removed thereafter. In view thereof, the above Company Summons for Direction stood dismissed without reference to this Court.

3. However, thereafter the Applicants / Petitioners did not seek condonation of delay and restoration of the above Summons for Direction until 1st December, 2014. The Court is informed that the Applicants / Petitioners had not provided the necessary documents to the Advocate even after a period of six months from the date of the dismissal of the Company Summons for Direction. In view thereof, the question of setting aside the order dated 30th June, 2014 does not arise. However, liberty is granted to the Applicants to file a fresh Company Summons for Direction.

4. The above Applications are accordingly disposed of.

(S.J. KATHAWALLA, J.)