

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
COMPANY PETITION No.264 of 2014

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29.06.2015

Between:

ISS Facility Services India Pvt. Ltd., Mumbai

...Petitioner

And

Continental Hospitals Pvt. Ltd., Hyderabad

...Respondent

Counsel for the petitioner: Ms.Rubaina S.Khatoon
for Mr.Mahfooz Nazki

Counsel for the respondent: Ms.Deepti Anand for
Mr.Vikram Pooserla

The Court made the following:

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ORDER:

This company petition is filed for an order to wind up the respondent company for non-payment of the debts, allegedly, due to the petitioner.

On 15.06.2015, the counsel for the respondent has handed over to the petitioner's counsel, demand draft No.000407, dated 08.06.2015, for a sum of Rs.35,00,000/- drawn on HDFC Bank, by holding that on a further reconciliation of the accounts, his client was found liable to pay the said sum and that therefore, the respondent wanted to settle the dispute by paying the said amount as full and final settlement of the claim of the petitioner. The learned counsel for the petitioner has received the said demand draft and requested for an adjournment for instructions.

Today, at the hearing, the learned counsel for the petitioner submitted that as her client is entitled to receive some more money, it may be left free to approach the civil Court for recovery of the same. The learned counsel for the respondent submitted that in the event of the petitioner approaching the civil Court, her client may be permitted to raise its legal defence in such suit.

In the light of the above submissions of the learned counsel for the parties, the Company Petition is closed with liberty to the petitioner to file a civil suit for recovery of further amounts allegedly due to it by the respondent. If such a suit is filed, the respondent shall be free to raise all legally permissible pleas to resist such suit.

As a sequel to closure of the Company Petition, Company Application Nos.1459, 1460, 1461 and 1462 of 2014 shall stand disposed of as infructuous.

(C.V.NAGARJUNA REDDY, J)

29th June, 2015
GHN