IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CAPP No.15 of 2015 in
CA No.55 of 2015 in
CP No.20 of 2011

Date of Decision: 13.3.2015

Lamigraf S.A.

…..Appellant.

versus

M/s Nova Lamiboards Private Limited

....Respondent

CORAM:- HON'BLE MR. S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. K.S.Kang, Advocate for the appellants.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE: (Oral)

CM No.38 of 2015

For the reasons mentioned in the application, delay of 78 days in filing the appeal is condoned.

CM stands disposed of.

CAPP No.55 of 2015

1. The appellant has challenged the order dated 18.11.2014 insofar as the learned Judge has imposed costs of ₹50,000/- on the appellant. By an order dated 12.9.2012, the appellant's petition for winding up the respondent company was admitted and the order of admission was directed to be advertised. Thereafter negotiations ensued between the parties to settle the matter. Draft agreements for settlement were also prepared. A final agreement was arrived at and signed by the parties. The same, however, was not honoured.

2. It is obviously in view of these facts that the petitioner did not comply with the order dated 12.9.2012 insofar as it required it to advertise the admission of the petition. Had the matter been settled, the parties would have made an application to recall the order dated 12.9.2012. This would have been permissible as the admission of the

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petitioner had not been advertised by them.

3. Subsequently, the admission of the petition has been advertised in the newspapers including the official gazettee. In these circumstances, the order of costs of ₹50,000/- ought not to have been passed.

4. It is possible that these facts may not have been brought to the notice of the learned Judge.

5. The impugned order is, therefore, set aside only insofar as it orders the petitioner to pay costs of ₹50,000/-.

As the costs were awarded not in favour of the respondent but have been ordered to be deposited with the Prime Minister's National Relief Fund, we do not consider it necessary to issue notice of motion before disposing of the appeal.

The appeal is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

13.3.2015
Meenu

(G.S.SANDHAWALIA)
JUDGE

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