

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

COMPANY APPLICATION NO.580 OF 2015
IN
COMPANY PETITION NO.620 OF 2006

M/s Haria Exports Limited ... Applicant/
Original Petitioner

In the matter between :

M/s Haria Exports Limited	...	Petitioner
Versus		
M/s Goldstar Trade Impex Pvt. Ltd.	...	Respondent

Mr. Avinash Kanto for the Applicant/original Petitioner.

CORAM : S.C.GUPTE, J.

DATE : 24 NOVEMBER 2016.

P.C. :

. This application is for recall of the dismissal order passed on 27 July 2010. On that date, the Petitioner and its Advocate were absent. They were absent even on the earlier occasion. The Court noted that the admission of the petition was not advertised and that no other creditor had appeared. In the premises, the Company Petition was dismissed.

2 The application has been duly served on the Respondent and an affidavit in proof of such service has already been filed.

3 It is contended by the Applicant (original Petitioner) in its additional
affidavit that they were prevented by reasonable excuses from attending

the matter on 27 July 2010. The reasons are stated in paragraphs 9 and 10 of the additional affidavit. The Applicant has also pointed out that contrary to the observation of the Court in the order dated 27 July 2010, the petition was actually advertised in local Newspapers and also in the Maharashtra Government Gazette as far back in July 2016. The Applicant, in the premises, seeks condonation of delay and recall of the dismissal order.

4 For the reasons stated in the affidavit in support of the Company Application as also in the additional affidavit tendered today, the delay is condoned and the dismissal order dated 27 July 2010 is recalled. The Company Petition is restored to file and shall come up in due course for hearing.

(S.C.GUPTE, J.)