

In the High Court of Judicature at Madras

Dated: 18.11.2016

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The Honourable **Mr.JUSTICE RAJIV SHAKDHER**

Company Petition No.235 of 2012
and Company Application No.986 of 2016

- 1 M/S.JAI EMU FARMS PRIVATE
LIMITED NO.4/138 SASTHRI NAGAR
SURAMANGALAM JAGIRAMMAPALAYAM SALEM-636
005 TAMILNADU INDIA
.... PETITIONER

PETITION filed under Section 425(1)(b), 433 (a) & (e), 439(1)(a) and 440(1)(a) of the Companies Act, 1956 seeking that the Petitioners company namely M/s.Jai Emu Farms Private Limited having office at No.4/138 Sasthri Nagar Suramangalam Jagirammappalayam Salem-636005 Tamilnadu India voluntarily be wound up by the Court under the provisions of the Companies Act 1956.

For Petitioner : No appearance

For applicant

in Comp.A.No.986 of 2016: Mr.G.K.R.Pandiyan

Mr.P.Atchuta Ramaiah,
Official Liquidator

ORDER

1. Company Application 986 of 2016 is an application, whereby, Mr.G.K.R.Pandiyar, who is the advocate on record for the petitioner in C.P.No.235 of 2012, seeks discharge.

2. It is stated that the discharge is sought, as he has not been receiving any instructions from the petitioner. For this purpose, he relies upon his affidavit, wherein there is an averment to the effect, that the learned Advocate/applicant had written to the petitioner with regard to the contents of the order dated 20.07.2016. It is stated that the registered letter dated 10.08.2016 was dispatched in that behalf to the address of the petitioner available with the applicant.

2.1. Learned counsel for the applicant says that the registered letter was returned with an endorsement "address changed". The applicant states that he has no other address available with him and, therefore, he would like to seek discharge in the matter.

3. To be noted, vide order dated 20.07.2016 costs in the sum of Rs.7,500/- were imposed, since directions, which were issued vide order dated 13.06.2014 had not been complied with by the petitioner.

3.1. The directions issued by this Court, inter alia, require the petitioner to file its balance sheets and details of its assets and liabilities.

4. It may be noted that the Court notice sent to the petitioner was also returned for the very same reason.

5. Having regard to the aforesaid, the Company Application is allowed. The applicant is discharged from his obligation to appear for the petitioner in C.P.No.235 of 2012.

6. Since, the notice issued by this Court has also been returned for the reason that the petitioner is not available at the address given in the record, one would have no other alternative, but to dismiss the Company Petition for non-prosecution.

6.1. Accordingly, the Company Petition is dismissed for non-prosecution. However, there will be no order as to costs.

RAJIV SHAKDHER,J.

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