

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

Coram

The Hon'ble Mr. Justice A.SELVAM
and
The Hon'ble Mr. Justice P.KALAIYARASAN

O.S.A.Nos.348 & 383 of 2010

M/s.Omce Jordan
rep.by their Power of Attorney Holder
Aditya Sharma

... Appellant in
O.S.A.No.348 of 2010/
Petitioner

M/s.Omce Jordan
rep.by their Power of Attorney
Holder Mr.Arun Kishore

... Appellant in
O.S.A.No.383 of 2010

Vs

M/s.Sudarshan Overseas Ltd.,
rep.by its Managing Director,
Sanjeev Malhotra

... Respondent in
both the O.S.As/Respondents

Original Side Appeals preferred under Order XXXVI Rule 1 of
O.S. Rules r/w Clause 15 of the Letters Patent against the
orders dated 07.09.2010 and 28.09.2010 made in C.P.No.256 of
2009 and C.P.No.106 of 2010, respectively.

For Appellant ... Mr.Aravind P.Dalar SC
for Mr.Arun Anbumani
For Respondents.. Mr.M.A.Sivakumar

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COMMON JUDGMENT

(Judgment of the Court was delivered by A.SELVAM, J.)

These Original Side Appeals have been directed against
the orders dated 07.09.2010 and 28.09.2010, passed in Company
Petition Nos.256 of 2009 and 106 of 2010, by the learned Single
Judge of this Court.

2. In Company Petition No.256 of 2009 it has been specifically prayed to wind up the respondent therein. Likewise, in Company Petition No.106 of 2010 it is also equally prayed to conduct investigation with regard to the affairs of the respondent company. The learned Single Judge, after considering the rival contentions raised on either side, has dismissed both the Company Petitions by way of passing separate orders and the same are being challenged in the present Original Side Appeals.

3. The learned counsel appearing for the appellant has befittingly brought to the notice of the Court the order dated 26.4.2012 passed in Company Petition No.303 of 2010, wherein, the very same company has been shown as respondent. The learned Single Judge in Company Petition No.303 of 2010 has granted the reliefs sought therein and also appointed a Provisional Liquidator to look into the affairs of the respondent company. Further, the present appellant has filed C.S.(OS).No.1719 of 2009, on the file of the High Court, New Delhi, wherein leave to defend has been granted on such condition.

4. It has already been pointed out that in Company Petition No.303 of 2010, the learned Single Judge has appointed a Provisional Liquidator in respect of the respondent company, this Court is of the view that the reliefs sought in Company Petition Nos.256 of 2009 and Company Petition No.106 of 2010 have become infructuous and therefore, these Original Side Appeals are liable to be dismissed as infructuous.

In fine, these Original Side Appeals are dismissed as infructuous, since Provisional Liquidator has been appointed by this Court in Company Petition No.303 of 2010, so as to look after the affairs of the respondent company. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk
To
The Sub Assistant Registrar,
Original Side, High Court, Madras.

O.S.A.Nos.348 and 384
of 2010

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