

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.52 OF 2010

IN

CONTEMPT PETITION NO.242 OF 2009

KBS Trading (P) Ltd. ... **Appellant**

V/s.

International Hometex Ltd. ... **Respondent**

.....

None for the Appellant.

None for the Respondent.

....

**CORAM : ANOOP V. MOHTA J.
A.M.BADAR J.**

DATED : 8th FEBRUARY 2017.

ORDERR :

1 Called out from final hearing board.

2 Rule. Rule returnable forthwith.

3 None for parties. The appeal is arising out of order dated 30th September 2009 passed by learned Single Judge in Company Petition No.242 of 2009, whereby after considering the material and the rival submissions so raised, dismissed the Company Petition with winding up prayer. However, liberty is

granted to take out appropriate proceedings including filing of suit against the respondent qua the subject matter of this petition with further observation that the same should be decided without taking cognizance of any observation made in this Order. There is no order passed by this Court in the appeal, which is pending since January 2010 except recording on 14th June 2010 that the Company Petition No.279 of 2009 seeking an order of winding up of respondent Company has already been admitted for final hearing and adjourned accordingly for hearing. Therefore, there is no point in keeping this appeal pending as during these seven years various steps and orders must have been passed. The rights of petitioner has already protected. We are inclined to dispose of this appeal by recording above.

4 Appeal is dismissed.

5 Rule stands discharged.

6 No costs.

(A.M.BADAR J.)

(ANOOP V. MOHTA J.)