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

COMPANY PETITION NO.195 OF 2015

Julie India Limited	...Petitioner
V/s.	
Elder Health Care Ltd.	...Respondent

Mr.Darshan Mehta i/b Dhruve Liladhar & Co. for the Petitioner.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH APRIL, 2017.

P.C. :-

1. Mr.Mehta, learned counsel appearing for the petitioner states that the respondent is served. Pursuant to an order passed by this Court on 31st August, 2016, the petition is already advertised. Learned counsel for the petitioner states that affidavit of service shall be filed within one week from today. The statement is accepted. None appeared for the respondent when the matter was called out.

2. By this petition, the petitioner seeks winding up of the respondent on the ground that the respondent is unable to pay its debts.

3. The petitioner had granted a loan to the respondent during the period between January, 2012 and February, 2013 in the sum of

Rs.61,50,000/-, which was payable by the respondent on or before 31st March, 2013 or on demand with interest. The respondent made part payment leaving the balance principal amount of Rs.31,80,000/-, which has not been paid inspite of repeated reminders sent by the petitioner with interest.

4. On 11th June, 2014, the petitioner issued a statutory notice. The respondent through its advocate's reply dated 16th June, 2014 informed the petitioner that after obtaining instructions from the respondent, a detailed reply will be sent. There is no detailed reply sent by the respondent to the said statutory notice.

5. By a detailed order dated 31st August, 2016, this Court after hearing both the parties and after considering the record, observed that the respondent is unable to pay its debts. Affidavit in reply filed by the respondent discloses no defence at all.

6. No further affidavit is filed by the respondent. The defence already raised by the respondent in the earlier affidavit in reply was not convincing and thus this Court rightly held that the affidavit in reply discloses no defence at all.

7. For the reasons recorded in the detailed order passed by this Court on 31st August, 2016 and for the reasons as aforesaid, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

8. I therefore, pass the following order :-
 - a). The company petition is made absolute in terms of prayer clauses (a) and (b). No order as to costs.
9. The Official Liquidator to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)