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

COMPANY APPLICATION (LODGING) NO.160 OF 2017
IN
COMPANY PETITION NO.1190 OF 2015

Valecha Engineering Ltd. ...Applicant

IN THE MATTER BETWEEN :

M/s.I.R. Enterprises ...Petitioner

V/s.

Valecha Engineering Ltd. ...Respondent

Mr.Avinash Belge with Mr.Aditya Chitale i/b MNSQ Legal for the Applicant.

None for the Respondent.

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

P.C. :-

1. By this company application, the applicant seeks recall of the order dated 22nd March, 2017 thereby admitting the Company Petition No.1190 of 2015.

2. Learned counsel appearing for the applicant states that when the applicant came to know that the matter was on board before this Court on 22nd March, 2017, the applicant decided to attend the hearing on 22nd March, 2017 and to engage an advocate

for appearing and for filing affidavit in reply in the matter. The board of this Court however collapsed on 22nd March, 2017 and thus none appeared before this Court on behalf of the applicant.

3. Learned counsel appearing for the applicant however, states that two other company petitions are already admitted against the applicant by this Court. It is not in dispute that the applicant was already served with the papers and proceedings by the original petitioner in advance but no affidavit in reply was filed.

4. A perusal of the affidavit in support of the company application indicates that the applicant was served with the papers and proceedings but did not bother to file the Vakalatnama and affidavit in reply. Be that as it may, two company petitioners are already admitted by this Court against the respondent. In my view, no case is made out for recall of the order dated 22nd March, 2017.

5. The company application is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)