

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

**COMPANY APPLICATION NO.548 OF 2015
IN
COMPANY PETITION NO.18 OF 2013**

Balkrishna Lalchand Minda .. Applicant

In the matter between

M/s.Tarini Steel Co. Ltd. .. Petitioner

Vs.

Duke Corporation Ltd. .. Respondent

None for the applicant.

Mr.Manoj Agre i/by Mr.G.B.Kedia for the original petitioner.

Mr.Mohendhar Aithe, Company Prosecutor for the official liquidator.

CORAM : R.D. DHANUKA, J.

DATE : 11th January 2017

P.C. :

. By this company application, the applicant seeks intervention in the company petition and seeks liberty to file a claim before the learned arbitrator. He also applies for condonation of delay of 104 days in filing this application.

2. A perusal of the company application indicates that there is a decree passed by the 6th Additional Senior Civil Judge, Jamnagar in Summary Suit No.15 of 2011 in favour of the applicant and against the respondent-company in liquidation. Since the company is already wound up, there is no question of allowing the applicant to intervene in the company petition at this stage. However, the applicant would be at liberty to file an affidavit of claim before the official liquidator. The official

liquidator in that event will adjudicate such claim. Delay in filing the affidavit of claim is condoned.

3. Company application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.