

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

COMPANY PETITION NO.15 OF 2017

M/s.Sunshine Enterprises	..	Petitioner
Vs.		
M/s.Royal Palms (I) Pvt Ltd.	..	Respondent

Mr.Ashish Mehta a/w Ms.Shruti Khandelwal for the petitioner.
Mr.Nimay Dave a/w Mr.Roshan Pinto i/by M/s.Mulla & Mulla &
Craigie Blunt & Caroe for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 29th March 2017

P.C. :

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

2. The petitioner has filed this company petition on the ground that the respondent has failed and neglected to pay a sum of Rs.98,660.30 with further interest thereon for the transactions between 23rd December 2009 and 24th December 2009. Admittedly the company petition is lodged on 19th May 2015 which is ex facie barred by law of limitation.

3. It is not the case of the petitioner that there is any part payment made by the respondent or any acknowledgement of the liability within a period of three years from the due date or that the petition is filed within three years from the date of such acknowledgement of the liability or of the part payment.

4. In my view, the petition is barred by law of limitation and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.