

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 1017 OF 2015
IN
COMPANY PETITION NO. 230 OF 2013

Samir Kadakia, Prop. of
Shree Engineering Company.

..Applicant/
Petitioner.

vs.

Hindustan Door Oliver Ltd.

..Respondent.

Mr. Paresh More i/by S.U. Pandey for the Applicant.

Mr. Sumit Raghani i/by Mr. A. Parmer for the Respondent.

CORAM :A.S.GADKARI, J.

DATE : 9th June, 2017

P.C.

1. This is an application for restoration of Company Petition No.230 of 2013 which has been dismissed for non prosecution for not depositing the amount of Rs.10,000/- with the Prothonotary and Senior Master of this Court towards the publication charges within a period of two weeks from the date of passing of the said order dated 3.8.2015.

2. By an conditional order dated 3.8.2015 this Court had directed that in the event of any single default committed in the payment of instalments mentioned in the said order the present company petition shall stand revive and admitted forthwith without any further reference to this Court and the petitioner was directed to deposit an amount of Rs.10,000/- in the registry of this Court towards the publication charges. The petitioner has stated that inadvertently it could not deposit the

said amount of Rs.10,000/- with the office of the Prothonotary and Senior Master of this Court within the stipulated period and therefore, by virtue of the said self operative order the present petition has been dismissed for non prosecution.

3. The learned counsel appearing for the respondent Company opposed to grant of any relief.

4. I have perused the affidavit in support of the application and for the reasons stated therein and in the interest of justice the present application is allowed in terms of prayer clause (a) and (b).

(A.S.GADKARI, J.)