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

COMPANY PETITION NO.83 OF 2015

|                   |               |
|-------------------|---------------|
| M/s.Hira Traders  | ...Petitioner |
| V/s.              |               |
| Fine Diamond Ltd. | ...Respondent |

Mr.Dharam Jumani with Mr.Suraj Iyer i/b M/s.Ganesh & Co. for the  
Petitioner.

None for the Respondent.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 10TH APRIL, 2017.**

**P.C. :-**

1. Learned counsel appearing for the petitioner states that petition is already advertised and the affidavit of service dated 25<sup>th</sup> April, 2016 is already filed, which is taken on record.
2. By this petition, the petitioner seeks winding up of the respondent on the ground that the respondent is unable to pay its debts. None appeared for the respondent when the matter was called out.
3. By a detailed order dated 6<sup>th</sup> April, 2016, this Court observed that the respondent was unable to pay its debts and the company petition was admitted. Though the petition was advertised,

the respondent failed and neglected to appear before this Court. No affidavit in reply has been filed.

4. For the reasons recorded in the order dated 6<sup>th</sup> April, 2016, I am of the view that the respondent is unable to pay its debts and is commercially insolvent.

5. I therefore, pass the following order :-

a). The Company Petition is made absolute in terms of prayer clauses (a) and (b).

6. The Official Liquidator to act on the authenticated copy of this order.

7. In view of disposal of the company application, the company application pending, if any, does not survive and is accordingly disposed of. No order as to costs.

**(R.D. DHANUKA, J.)**