

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

C.P.No.298 of 2015

M/s.Benaka Minerals Trading Pvt. Ltd
Having Registered Office at
No.1/3, Appavoo Apartments,
Venus Colony 2nd street,
Alwarpet,
Chennai-600 018
Rep. by its General Manager
B.Khader Mohideen

..Petitioner

Vs

M/s.Sun Paper Mill Ltd
Having Registered Office at
No.86 (old No.46),
E.V.K.Sampath Road,
Chennai-600 007.

.. Respondent

Company Petition filed under Section 433(e) r/w 434(1)(a) and Section 439(1) of the companies Act, 1956 praying

a) That the Respondent Company Viz. M/s. Sun Paper Mill Ltd, be ordered to be wound up by and under the Orders and Directions of this Hon'ble court under Section 433 (e) read with Section 434(1) (b) of the Companies Act 1956.

b) That the Official Liquidator, High court, Madras be appointed as the Liquidator of the Respondent Company with all powers under the Provisions of the Companies Act, 1956 to take charge and secure all of the assets of the Respondent and to conduct

SENTHILKUMAR RAMAMOORTHY. J

vsn

its affairs in the course of the winding-up and to distribute its assets in accordance with law.

c) That the Respondent Company pays for the costs of the present petition.

For Petitioner : Mr.S.Vasudevan

For Respondent : Mr.K.K.Muralidharan

ORDER

The learned counsel for the petitioner seeks permission to withdraw the winding-up petition in view of the pendency of the Civil Suit namely O.S.No.729 of 2017 before the IV Additional City Civil Court, Chennai. A Memo dated 27.09.2019 was filed to the above effect.

2.It is seen that the winding up petition has not been admitted and that therefore, at this juncture it is a *lis-in-personam*. Accordingly, the learned counsel is granted permission to withdraw C.P.No.298 of 2015 by making an endorsement.

3. In view of the above, this Company Petition is dismissed as withdrawn. No costs.

04.10.2019

vsn

To

IV Additional Judge, City Civil Court, Chennai.

C.P.No.298 of 2015