

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2017

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

Company Petition.73 of 2016

Mr. Anant Goyal

... Petitioner

Vs

M/s K.P.T. Spinning Mills Private Limited,
39-A South Park Street,
Gobichettipalayam,
Erode – 638 452
Tamil Nadu

... Respondent

PRAYER: Company petition filed under Sections 433, 434 and 439 of the Companies Act 1956, praying : (a) the Respondent Company, M/s.K.P.T Spinning Mills Private Limited, be ordered to be wound up under the orders and directions of this Hon'ble Court under the provisions of the Companies Act 1956;

b) the Official Liquidator of the High Court of Madras be appointed by this Hon'ble Court as the Liquidator of the assets, properties, income and business of the Respondent Company Viz. M/s K.P.T Spinning Mills Private Limited with all powers under the provisions of the Companies Act, 1956;

c) for costs.

For Petitioner : Mr. Sarath Chandran

For Respondent : No appearance

ORDER

The learned counsel appearing for the applicant has filed Company Application No.364 of 2017, seeking leave to withdraw this Company Petition.

2. The said Company Application has been ordered, by this court, today.

3. The learned counsel appearing for the both sides submitted that the issue involved in this petition has been settled between the parties themselves and therefore, nothing survives for adjudication, in this matter.

4. Further, Rule 100 provides for the applicant for leave to withdraw the petition. The petition for winding up has not been ordered to be adverse in the manner provided by Rule 24 and therefore, that bar under Rule 100 (2) is not applicable. Hence, in terms of Rule 100, leave is granted to withdraw the petition.

5. In view of the above and based on the order passed in Company Application No.364 of 2017, this Company Petition stands dismissed, as nothing survive for adjudication. No costs.

kv

**25.04.2017**

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Dr. S.VIMALA,J.,

kv



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