

In the High Court of Judicature at Madras

Dated: 21.07.2017

Coram

The Honourable Mr.JUSTICE RAJIV SHAKDHER
and
The Honourable Mr.JUSTICE ABDUL QUDDHOSE

O.S.A.No.98 of 2013
& M.P.No.1 of 2013

Sakthi Scanners Pvt. Ltd.,
having registered office at
No.8/18, 3rd Street,
Gopalapuram,
Chennai - 600 086.

.... Appellant

Vs

Swastik Paper Company
having its office at
Voltas International Centre,
107(52) III Floor, Armenian Street,
Chennai - 600 001
represented by its Managing Partner
Shri Shekar K.Chandak

.... Respondent

Appeal filed under Order XXXVI Rule 1 of the O.S.Rules read with Clause 15 of the Letters Patent Act against the decree and judgement dated 30.03.2012, made in C.P.No.63 of 2010 on the file of this Court.

Prayer in C.P.No.63 of 2010:

Petition filed under Sections 433(e), 433(f), 434 and 439 of the companies Act, 1956, for winding up of the respondent company.

For Appellant: Mr.K.Harishankar

For Respondent: No appearance

J U D G E M E N T

(Judgement of the Court was delivered by RAJIV SHAKDHER, J.)

1. This is an appeal preferred against the judgement and order dated 30.03.2012, passed by the learned Company Judge.

1.1. By virtue of the impugned order, the learned Company Judge had directed the appellant to deposit a sum of Rs.5,30,227/-, albeit, without prejudice to their claim.

2. It is, against this order, that the instant appeal has been filed.

3. We are informed that no interim stay of the operation of the impugned judgement was granted by the Division Bench.

3.1. We are further informed by the learned counsel for the appellant that during the pendency of the appeal, the said amount has been withdrawn by the respondent, i.e., the original petitioner in C.P.No.63 of 2010.

3.2. Learned counsel cannot but contend that the appeal has been rendered infructuous.

4. Accordingly, the captioned appeal is disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there will be no order as to costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

TO;

The Sub-Assistant Registrar,
Original Side,
High court, Chennai.

+1cc to Mr.K.Harishankar,Advocate sr.51484

O.S.A.No.98 of 2013
& M.P.No.1 of 2013

Nm1 (co)
ss(11/8/2017)

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