

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

**COMPANY APPLICATION NO. 404 OF 2018
IN
COMPANY PETITION NO. 828 OF 2015**

Mr.Santosh Shyam Mogaveera & Ors. ...Applicants

IN THE MATTER BETWEEN

Mr.Santosh Shyam Mogaveera & Ors. ...Petitioners

Versus

Nutrix Hospitality Services Pvt. Ltd. ...Respondent

Mr.Kunal Chheda I/b.M.V.Kini and Co. for Applicant.
None for Respondent.

**CORAM : K.R.SHRIRAM, J.
DATE : 26th SEPTEMBER 2018**

P.C.:

1. This application is for restoration of company petition, which came to be dismissed on 12th January, 2018 for non-prosecution.
2. In the order dated 12th January 2018, it is recorded that even on 4th January, 2018 none appeared for petitioner and hence on 12th January, 2018 as again nobody appeared, company petition came to be dismissed. In the affidavit in support, reason given is that on 12th January 2018, the court clerk of petitioner's advocate could not track the board due to technical difficulty on the board. The difficulty is not explained. There

is no explanation as to why on 4th January 2018, the petitioner or his advocate chose to remain absent. Application itself has been taken out on 5th February, 2018 when the order of dismissal was passed on 12th January, 2018 and registry has even advertised dismissal of petition in two local newspapers, viz. 'Free Press Journal' and 'Navshakti' on 19th January, 2018.

3. I do not find the explanations given satisfactory.
4. Application dismissed.

(K.R. SHRIRAM, J.)