

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

**COMPANY APPLICATION NO.281 OF 2017
IN
COMPANY PETITION NO.109 OF 2011**

Kishore Chhabria)....Applicant
V/s.

IDBI Bank Limited and Ors.)....Respondents

Mr.Dharmesh Joshi i/by Parag T.Joshi for the applicant.
Mr.mahendhar Aithe-Company Prosecutor for OL present.

**CORAM : K.R.SHRIRAM,J
DATE : 27.2.2018**

P.C.:-

1 The application has been lodged sometime in April-2017. The counsel for the applicant was asked whether all the respondents have been served. The counsel's first response was he has no instructions in that regard. In my view, that is the most irresponsible statement made to the court because when the counsel appears in the matter he should appear with full and complete instructions and service on respondent is not something which would suddenly come up in the course of arguments. When this was pointed out to the counsel, the counsel stated that respondents have not been served and his explanation was certain requirements of the order of winding up has not been complied with. He also stated that, that is why they had

filed this application. Therefore, there is no valid ground for not serving the application. Therefore, application dismissed for non prosecution.

(K.R.SHRIRAM,J)