

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY PETITION No.141 OF 2013

ORDER:

This Company Petition is filed under Section 434(1)(a) and 439 of the Companies Act, 1956, seeking winding up of the respondent company.

This Court ordered Notice to the respondent on 08.08.2013 and also permitted the petitioner to serve the notice to the respondent through RPAD and file proof of service. On service of notice, the respondent filed the counter affidavit and the matter has been adjourned from time to time for reply affidavit, if any. Neither reply affidavit was filed nor there was any representation on behalf of the petitioner company on 04.02.2014 and 09.06.2014. Hence, the matter was finally posted to 23.06.2014. Since there was no representation on that day also, this Court dismissed the Company Petition for non-prosecution.

However, as per the order, dated 27.07.2015, passed by this Court in Company Application No.1132 of 2015, C.P.No.141 of 2013 was restored to file and was posted to 11.08.2015, on which date, learned counsel for the respondent represented that his client is making all efforts to settle the dispute with the petitioner. Since, no settlement was reported, this Court admitted the Company Petition on 14.09.2015 and on 26.10.2015 ordered for publication of advertisement and posted the matter to 30.11.2015. Though the matter was listed on 17.12.2015 and 09.07.2018, none appeared on behalf of the petitioner company. Hence, it was posted to 10.07.2018 under the caption "for dismissal"

When the matter is taken up today i.e., on 12.07.2018, there is no representation on behalf of the petitioner company. It seems that the petitioner company has no interest in prosecuting the Company Petition.

In those circumstances, the Company Petition is dismissed for non-prosecution. There shall be no order as to costs.

Dated:12.07.2018
Ssv

CHALLA KODANDA RAM, J

