

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Company Appeal No. 24 of 2016 (O&M)
Date of decision: 03.12.2018**

M/s HI-Tech Brake Linings (India) Ltd. And another

... Appellants

Versus

**Official Liquidator attached to Punjab & Haryana High Court and
others**

..Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Rama Shanker, Advocate
for the appellants.

Mr. D.S. Patwalia, Sr. Advocate, with
Mr. Aalok Jagga, Advocate,
for respondents No. 2 to 4.

Mr. Piyush Khanna, Advocate
for respondent No.5.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

A preliminary objection has been raised on behalf of the respondents that this appeal itself is not maintainable, as it has been filed by the company through its Managing Director, namely Sh. Avtar Singh Grewal, whereas, he was removed from the directorship of the company w.e.f. 30.9.1996. It is further stated that fact that he was removed from the directorship of the company was affirmed by the judgment of the trial court, dated 13.1.1998 passed in C.Suit No. 1074 of 1996. The order is said to have been affirmed in appeal, then by this Court and even by the Hon'ble Apex Court by dismissing the SLP.

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Despite our repeated queries, learned counsel appearing for the appellants failed to point out any material, which may indicate that either the abovesaid orders have been set aside in any lawful proceedings or that Sh. Avtar Singh Grewal was again inducted as Director and subsequently elected as Managing Director of the company.

In view of the fact that Sh. Avtar Singh Grewal was removed from the directorship of the company long back in the year 1996, it is concluded that he mis-described himself and filed the present appeal on behalf of the company as its Managing Director.

The appeal is misconceived and non maintainable, and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 03, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO