

Comp.A.Nos.494 of 2018 & 438, 439 of 2019
and
C.P.Nos.179 & 180 of 2001

SENTHILKUMAR RAMAMOORTHY.,J.

The applications in Comp.A.Nos.438, 439 of 2019 are filed to implead the applicant as respondent in C.P.Nos.179 & 180 of 2001.

2. I heard the learned counsel for the applicant and the learned Deputy Official Liquidator.

3. The learned counsel for the applicant submitted that an order was passed by this Court directing the admission of the winding up petition and for effecting advertisement of the winding up. He further submitted that, thereafter, the petitioning creditor was settled and, therefore, no steps were taken to effect the advertisement of winding up. Moreover, he submitted that an appeal was filed by the Chairman of the Company and that the said appeal was allowed by a Division Bench of this Court by order dated 28.07.2017 and that the matter was carried further to the

Hon'ble Supreme Court of India, which disposed of the matter by an

order dated 17.10.2019, wherein it was held that the winding of proceedings in C.P.No.179 of 2001 shall be revived.

4. In these facts and circumstances, the learned counsel for the applicant submits that the applicant is entitled to be impleaded as a necessary or proper party in the proceedings, so as to be in a position to effectively participate in the winding up petition.

5. The Deputy Official Liquidator submits that he has no objection to the applicant being impleaded in the Petition.

6. On the basis of the submissions made by the learned counsel for the applicant and on examining the relevant documents and the affidavit filed in support of these applications, it is clear that it is just and necessary to hear the applicant in these proceedings, especially in view of the fact that the petitioning creditor does not appear to be effectively prosecuting the petition.

7. Accordingly, these applications are allowed and the applicant is impleaded as the second respondent in C.P.Nos.179 & 180 of 2001. The Deputy

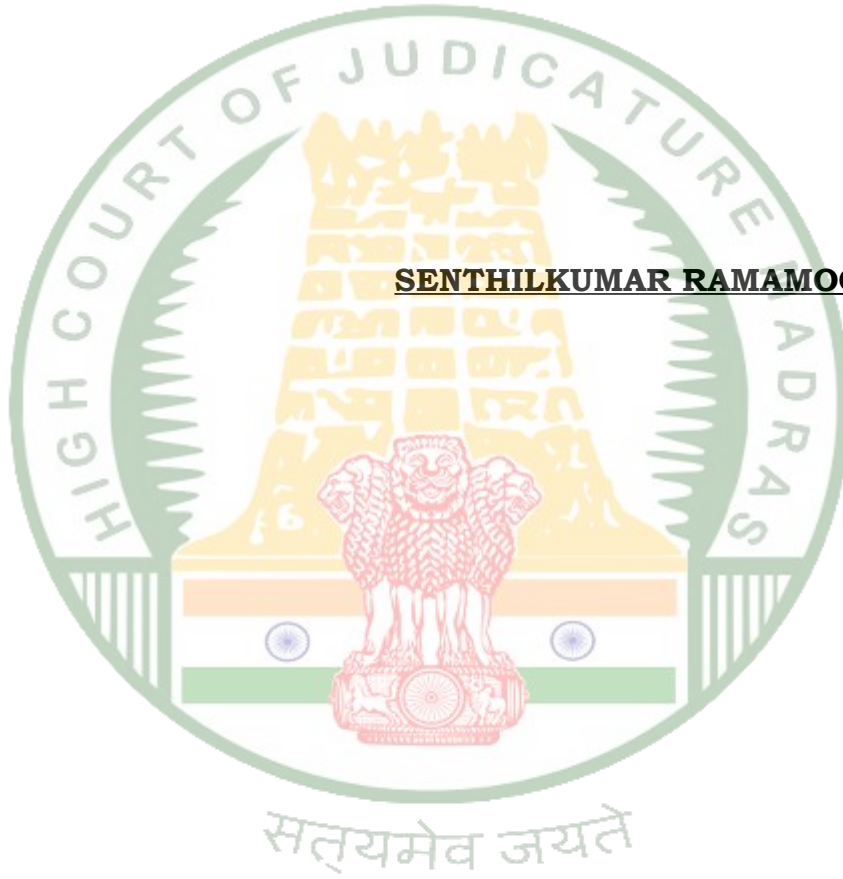
Official Liquidator is directed to carry out necessary amendments in the petition within two weeks from the date of receipt of a copy of this order.

Pns

29.11.2019



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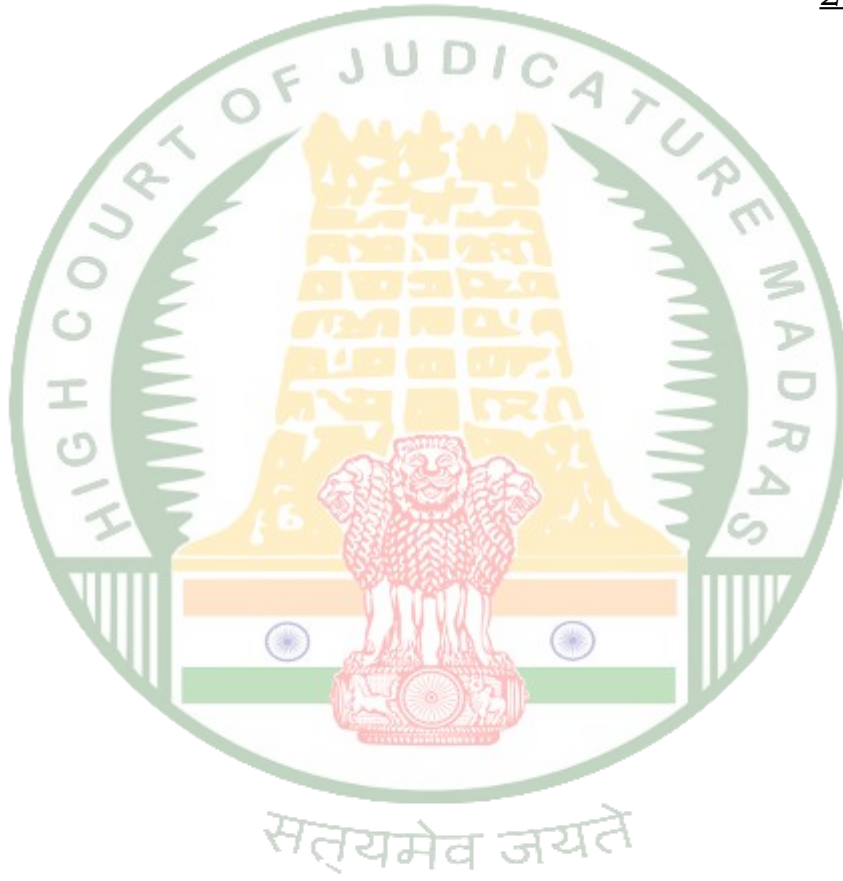


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