

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION NO.890/2021 IN
WRIT PETITION NO.7416/17(P)

Sunil Hi-Tech Engineers Limited

Vs.

Bend Joints Pvt.Ltd.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.V.Bhutada, Advocate for petitioner/non-applicant.

Ms Payal Lunawat, Advocate for respondent/applicant.

CORAM :- A.S.CHANDURKAR, J.

DATED :- AUGUST 20, 2021.

By this application the respondent seeks modification/vacation of the ex-parte order dated 18.01.2018.

By the order dated 18.01.2018 while issuing the notice to the respondent, the execution proceedings were stayed subject to depositing 50% of the principal amount. Despite service of notice, there was no appearance on behalf of the respondent and hence on 09.03.2018, Rule was issued in the writ petition.

The record further shows that a fresh notice was required to be issued to the respondent after which the present civil application has been moved. As per pursis dated 25.02.2021 filed by the respondent an order dated 25.06.2019 has been passed by the National Company Law Tribunal, Mumbai in proceedings to which the petitioner is a party. In the said proceedings liquidation of the petitioner has been noticed and a Liquidator has been appointed. In the light of these subsequent events, it is found that they can be taken into consideration while adjudicating the writ petition finally.

The record further indicates that on 19.06.2021 the writ petition was fixed on 06.07.2021 for final disposal. In view of the fact that the subsequent events could have some bearing on the final adjudication of the writ petition, it is not found necessary to

modify/vacate the ex-parte order dated 18.01.2018 which is operating for more than three years. The respondent is at liberty to seek expeditious hearing of the writ petition in terms of the earlier orders passed.

With these observations the civil application is disposed of.

JUDGE

Andurkar.