

**THE HON'BLE SRI JUSTICE T. VINOD KUMAR
AND
THE HON'BLE SMT JUSTICE P.SREE SUDHA**

OSA. No. 18 of 2012

JUDGMENT: *(per the Hon'ble Sri Justice T. Vinod Kumar)*

This appeal is filed against the order passed by the learned Company Judge in C.P.No.137 of 2012, dt.30.07.2012, whereby the company petition filed for winding up of the appellant/respondent-Company was ordered and the Official Liquidator attached to this Court was appointed as Liquidator. The learned Company Judge further ordered to advertise the winding up of the appellant-Company in Indian Express English Daily and Vaartha Telugu Daily newspapers.

2. When the matter is taken up for hearing, it is brought to the notice of this Court that the appellant-Company, in fact, is undergoing the liquidation process on account of its inability to pay debts to its various creditors apart from the respondent in the appeal.

3. Further, it is brought to the notice of this Court that even the respondent-Company in the present appeal had under went liquidation process, and since the affairs of the respondent-Company are being looked into by the Liquidator appointed by the High Court of Madras, the learned counsel appearing for the

respondent-Company submits that he has no instructions in the matter.

4. Taking note of the above said submissions and having regard to the fact that the appellant-Company is undergoing liquidation process, the claim of the respondent-Company, if any, is required to be lodged with the Official Liquidator for adjudication of the same. Further, since the appellant-Company is undergoing liquidation process, the Managing Director of the appellant-Company, who filed the present Appeal, cannot continue to maintain the Appeal for consideration by this Court, and the OSA is liable to be dismissed.

5. Accordingly, the OSA is dismissed. No order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

P.SREE SUDHA, J

23rd February, 2023

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