



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

Company Application (CAL) No. 6 of 2024
in

Company Petition No. 7 of 1995 (D)

[Official Liquidator & Liquidator of Orange City Builders Pvt. Ltd. (in liquidation), Nagpur ..vs..
Shri Vasant Motiram Sonewane through L.Rs. Smt. Charumati Sonewane and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U. A. Gosavi, Advocate for the applicant/respondent no. 4
Mr. Shriniwas Deshpande, Advocate for the Official Liquidator

CORAM : ANIL L. PANSARE J.

DATED : 08-03-2024

By the present application, respondent no. 4 is seeking to recall order dated 2-2-2024 passed by this Court.

2. Similar such attempt was made by another ex-director who had filed Civil Application No. 274/2024 making request to recall the order on the ground that he did not get opportunity to cross-examine the Chartered Accountant. Same is the reason put forth in the present case.

3. Vide order dated 2-2-2024, this Court has held the ex-directors guilty of misfeasance. Present applicant is respondent no. 4 in the company petition. He states that he could not attend the Court because of ailment. In support, discharge summary is filed which indicates that the applicant Mr. Chandrakant Paranik was admitted in the hospital on 17-1-2023 and came to be discharged on 21-1-2023. The clinical summary indicates that he had pain in right hip for two months and had difficulty in walking and sitting. He has undergone a surgery for

right total hip replacement. The surgery was performed on 18-1-2023. Thus it appears that after surgery, he came to be discharged on 21-1-2023.

4. There is no cogent evidence as to what prevented the applicant from taking steps in the present matter subsequent to 21-1-2023. He remained absent subsequent to his surgery. Noting his absence on 2-2-2024 to cross-examine the Chartered Accountant, who was present in the Court, this Court has proceeded to pass detail order on merit.

5. The counsel for the applicant submits that the Chartered Accountant has failed to take note that the applicant has resigned in the year 1989 i.e. prior to winding up order and the subsequent direction has issued a note to indemnify the applicant. Thus, it is argued that the applicant has good case on merit. That argument, however, is not available with the applicant to justify his absence. He failed to avail opportunity to cross-examine the Chartered Accountant. He appears to have taken Court proceedings lightly. He woke up only after suffering adverse order.

6. In the circumstances, merely on the basis of the discharge summary mentioned above, I do not find any merit in the reasons put forth by the applicant to remain absent before the Court. The order cannot be recalled on this count. There is no merit in the application. The application is accordingly rejected.

(Anil L. Pansare, J.)