

(2021) 12 JH CK 0018
In the Jharkhand High Court
Case No : Company Petition No. 6 Of 2012

Diana Tradecom Private Limited

APPELLANT

Vs

Khosla Steel Industries Private Limited

RESPONDENT

Date of Decision : 16-12-2021

Acts Referred:

Companies Act, 1956 — Section 434

Citation : (2021) 12 JH CK 0018

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ashok Kr. Yadav, P.S.A. S. Pati, Vikash Kumar

Judgement

Anil Kumar Choudhary, J

I.A. No.8416 of 2013

Heard the parties.

Learned counsel for the intervener-petitioner submits that this interlocutory application has been filed with a prayer to permit the intervener to participate in the proceeding. It is submitted by the learned counsel for the intervener-petitioner that the dispute with regard to partnership of the respondent company is pending before this Court vide Company Appeal No.5 of 2014, Company Appeal No.6 of 2014 and Company Appeal No.7 of 2014. Hence, in order to bring on record the relevant facts and documents, the intervener begs to be impleaded in this proceeding for proper adjudication of the matter.

Learned counsel for the petitioner and the learned counsel for the respondent have no objection to the prayer of Mr. Pramod Khosla to implead as respondent no.2.

Prayer is allowed.

Mr. Pramod Khosla, son of late K.L. Khosla, resident of 98, New Baradwari, P.O. &

P.S.- Sakchi, Jamshedpur District-East Singhbhum is impleaded as respondent no.2.

Registry is directed to incorporate the name of the respondent no.2 in the cause title of the company petition with red ink.

This interlocutory application is disposed of accordingly.

C.P. No. 6 of 2012

Learned counsel for the petitioner prays for time to file supplementary affidavit annexing therewith the proof of service of notice under Section 434 of Companies Act, 1956 dated 14.09.2012 upon the respondent.

Perusal of the record reveals that vide order dated 02.06.2020, the prayer for time was allowed as the last chance.

Prayer for time is further allowed to the petitioner subject to payment of costs of Rs.1000/- by the petitioner to the respondent through his counsel appearing in the record within four weeks, failing which, this case shall stand dismissed without further reference to the Bench.

In case, the petitioner files the proof of payment of costs of Rs.1000/- by the petitioner to the respondent through his counsel appearing in the record within four weeks, list this Company Petition after four weeks.

In case, the supplementary affidavit is not filed within four weeks, this Company Petition shall stand dismissed without further reference to the Bench.

Keeping in view that this company petition is an old case, the respondent no.2 is given four weeks' time as the last chance to file counter affidavit if any.