

(2018) 01 CAL CK 0006
In the Calcutta High Court
Case No : 420 of 2017

FILER MANUFACTURING INDUSTRIES PVT. LTD.

APPELLANT

Vs

A.T.O.[I] LTD.

RESPONDENT

Date of Decision : 03-01-2018

Acts Referred:

Citation : (2018) 01 CAL CK 0006

Hon'ble Judges : Ashis Kumar Chakraborty

Bench : Single Bench

Advocate : Sanchari Chakraborty, Soumik Chakraborty

Final Decision : Disposed oFF

Judgement

1. This is an application for recalling of the order dated September 19, 2016 whereby CP 169 of 2016 was dismissed by a learned Single Judge of this Court for default. Let the affidavit of service filed on behalf of the petitioner be kept on record.

2. In spite of service of this application, none appears for the company to oppose this application. Considering the averments made in the application, I find that the applicant has sufficiently explained the facts which prevented it from filing this application within the prescribed period of limitation. The applicant has also explained the facts which prevented its learned Advocate to be present before the Court on September 19, 2016. Accordingly, the delay in preferring this application is condoned and the order dated September 9, 2016 is recalled. The winding up application, CP 169 of 2016 is restored to its original file and number. Let the winding up application appear under the heading "Company Matter (New)" on January 8, 2018.

3. The petitioner shall communicate this order to the learned Advocate representing the company and file an affidavit of service on the next date of hearing. With the above directions, C.A. 420 of 2017 stands disposed off, without any order as to costs.