
(1913) 02 AHC CK 0034
In the Allahabad High Court

G.J. Bower

APPELLANT

Vs

Imperial Bank Limited

RESPONDENT

Date of Decision : 03-02-1913

Acts Referred:

Citation : (1913) ILR (All) 177

Hon'ble Judges : Tudball, J; Muhammad Rafiq, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Tudball and Muhammad Rafiq, JJ.—This is an appeal from an order of the court below passed under the following circumstances. The respondent Bank is being wound up. The appellant is one of the contributories. The winding up is in the court of the Additional District Judge of Aligarh, where, it appears, the appellant took an objection on the ground that the decree passed against him in favour of the Bank was time-barred. The objection was disallowed. The decree-holders applied to enforce the order of the court u/s 167 of the Companies Act and the matter went to the court of the Second Additional Judge of Meerut. There the appellant raised further objections as well as the objection as to limitation; but they were disallowed. The appellant has come up in appeal to this Court.

2. A preliminary objection is taken that notice u/s 169 of the Act has not been given and that therefore the appeal cannot be heard. It is argued on behalf of the appellant that the order which he seeks to have upset on appeal is not an order which was made in the matter of the winding up of the Company. With this we cannot agree. It is clearly and distinctly an order which was given in the matter of the winding up of the Company. If it is not, we do not know under what law he comes to this Court on appeal. Under the last clause of Section 169 it was obligatory on him to give notice within three weeks, which he has failed to do. Therefore we cannot hear the appeal. On behalf of the appellant Mr. Chaudhri asked for an extension of time. The order of the court below was passed on the 28th of June, 1912, and this appeal was filed on the 7th of August, 1912. No

good cause is shown why we should extend the time, and we see no reason to accede to the request. The preliminary objection prevails and this appeal is dismissed with costs.