

(2004) 07 CAL CK 0071
In the Calcutta High Court
Case No : Company Petition No. 293 of 2004
In Re: Diamond Shipping Co. Ltd.

Date of Decision : 06-07-2004

Acts Referred:

Citation : (2005) 59 SCL 555

Hon'ble Judges : Ashim Kumar Banerjee, J

Bench : Single Bench

Judgement

Ashim Kumar Banerjee, J.—Despite notice, none appears to oppose this application.

2. This winding up petition relates to a claim for money lent and advanced amounting to Rs. 5 lakhs. The company issued an account-payee cheque dated July 1, 2002 for the said amount which was dishonoured for nonpayment, Statutory notice of demand has not been replied to. Hence, it appears that the company has no defence to the just claim of the petitioning creditor.

3. Winding-up petition is thus admitted for the said sum of Rs. 5 lakhs together with interest on and from 1st April, 2002 till 14th June, 2004 being the date of filing of the winding-up petition @ 15 per cent per annum and thereafter @ 9 per cent per annum until payment. The company is given liberty to make payment of the aforesaid sum in 24 equal monthly instalments commencing from 1st September, 2004 and thereafter on the first day of each succeeding month. In case of default of payment of any one instalment the petitioning creditor would be at liberty to take steps for recovery of the balance sum then remaining due by initiating appropriate proceedings including execution proceedings by treating this order as a decree of this Court.

4. Since the company is not represented before me, the petitioner must communicate this order to the company forthwith.

5. C.P. No. 293 of 2004 is disposed of accordingly. There would be no order as to costs.