

(1926) 05 AHC CK 0062
In the Allahabad High Court
In Re: Kekri Press Company Ltd.

Date of Decision : 28-05-1926

Acts Referred:

Companies Act, 1956 — Section 12

Citation : (1926) ILR (All) 709 : 96 Ind. Cas. 753

Hon'ble Judges : Mukerji, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mukerji, J.—This is an application, on behalf of the Kekri Press. Co., Ltd., purporting to have been made u/s 12 of the Companies Act, praying for the confirmation of a resolution by which the Company proposed to locate its registered office at Aligarh instead of, as hitherto, at Beawar.

2. At the last hearing of the application I entertained some doubt as to whether I could hear the application. I granted the learned Counsel a week's time. The matter has again been argued to-day. I am not satisfied that this Court has jurisdiction to entertain the application.

3. u/s 12 of the Companies Act of 1913 the alteration of the place of the registered office cannot take place unless the resolution proposing the transfer has been confirmed by "the Court". "The Court" is, according to the definition of the expression given in Section 2 of the Companies Act, the Court having jurisdiction under the Act. u/s 3, the Court having jurisdiction is the High Court having jurisdiction in the place at which the registered office of the Company is situate. The registered office of the Company is situate in Beawar a place over which this Court has no ordinary jurisdiction. I have been referred to the provision of Section 23 of Regulation, I of 1877 which consolidates and amends the law relating to the administration of civil and criminal justice in Ajmere and Marwara as establishing the fact that references under Ch. XLVI, C.P.C. or u/s 11 of the Provincial Small Cause Courts Act are to be made to the High Court and not to the Chief Commissioner. But it is the Chief Commissioner who is the highest Court of Appeal in the locality mentioned under the very Section 23 of

the Regulation. The word "High Court" is defined in the General Clauses Act with reference to civil proceedings as the highest Court of Appeal in the part of British India in which the Act containing the expression "operates". Thus the Chief Commissioner of Ajmere and Marwara is the High Court for the purposes of civil proceedings and, therefore, for the purposes of the Companies Act. I hold that his application has been made to the Court without jurisdiction and order that the petition, after a certified copy has, been kept, be returned to Mr. Panna Lal for being presented to the proper Court. Any papers which may have been filed by the applicant by way of proof will be, on a proper application being made for the purpose, returned to the Counsel.