
(1917) 12 AHC CK 0003
In the Allahabad High Court

The People's Industrial Bank, Ltd. in Liquidation	APPELLANT
Vs	
Harkishan Lal	RESPONDENT

Date of Decision : 20-12-1917

Acts Referred:

Citation : 43 Ind. Cas. 642

Hon'ble Judges : Henry Richards, C.J;P.C. Banerji, J

Bench : Division Bench

Judgement

1. A preliminary objection is raised to the hearing of this appeal. The liquidation in the present case of the Bank began in January 1914, or at the very latest February 1914. The order of the Court below, which it is sought to appeal from, was made on the 4th of April 1917. The appeal was filed on the 3rd of May 1917, and notice of the appeal was given to the respondent on the 31st of May 1917. The objection is that under the provisions of Section 169 of Act VI of 1882 notice of the appeal ought to have been given within three weeks of the date of the order complained of. There is no doubt that Section 159 does contain such a provision. Section 284 of Act VII of 1913 provides that the provisions of that Act shall not apply to any Company the winding up of which has commenced before the commencement of the Act, but that every Company the winding up of which has commenced before the new Act came into operation shall be wound up in the same manner and with the same incidents as if the new Act had never been passed. In the present case it is quite clear that the winding up of the People's Industrial Bank, Limited, began in January or February 1914, that is, before the new Act came into operation. It is contended that the order in the present case had nothing to do with the winding up of the Bank. We cannot accede to this contention. The order was an order directing a preferential payment, to be made to a creditor and clearly related to and was an incident of the winding up and the right of appeal also is clearly an incident of the winding up. We accordingly must allow the preliminary objection and dismiss the appeal with costs, including in this Court fees on the higher scale.