

(2008) 02 BOM CK 0024

In the Bombay High Court

Case No : Company Petition No. 985 of 2007

Urmila Devi Agarwal

APPELLANT

Vs

Hindustan Unilever Ltd.

RESPONDENT

Date of Decision : 01-02-2008

Acts Referred:

Citation : (2008) 4 BomCR 430

Hon'ble Judges : Khanwilkar A.M., J

Bench : Single Bench

Advocate : Rahul Chitnis, Chakrapani Misra and Vishal Maheshwari, instructed by Khaitan and Co, for the Appellant; None, for the Respondent

Judgement

Khanwilkar A.M., J.—Counsel for the petitioner placed reliance on the decision of Division Bench of our High Court reported in Extrusion Processes Private Ltd. Vs. Jivabhai Marghabhai Patel, , in particular, exposition in Paragraph 8 thereof to contend that the notice will have to be issued by the Court before admission. However, learned Counsel fairly accepts that the Apex Court in the case of Cotton Corporation of India Limited Vs. United Industrial Bank Limited and Others, , has plainly observed that the Company is entitled for pre admission notice. In view of the decision of the Apex Court, the respondent company will have to be served with notice indicating that the matter will proceed for admission before the Court.

2. Counsel for the petitioner would then contend that the notice should be formally issued by the Court. This submission overlooks that the notice is already issued in the matter which has been made returnable as per the date indicated by the Company Registrar and is listed today for the purpose of admission. The Company Registrar has specified the returnable date for admission of this Petition in terms of the exposition in the order dated 22nd November 2007 in Company Petition No. 590 of 1998 in the case of (Airfreight Limited v. The Pharmaceutical Products of India Ltd.), The petitioner was expected to serve the respondent intimating that the matter will be proceeded for admission today.

3. Having realised this position, Counsel for the petitioner seeks time to serve the respondent. That be done by Advocate's notice, either personally or by courier/speed post/e-mail/fax, and file affidavit of service in the Registry before the next date of hearing.
4. Place this matter on 16th February 2008.