

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 54(ND)/2014

CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 01.03.2016

NAME OF THE COMPANY: **Sh. Dharendra Pratap Singh**

Vs.

M/s. Dook Consulting Services Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 397, 398, 399, 402 and 403 of the Companies Act 1956.

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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	<i>Babhat Kaushik</i>	<i>Advocate</i>	<i>Petitioner</i>	<i>Babhat Kaushik</i>
	<i>Ajay Brahma</i>	<i>Adv.</i>	<i>Respondents</i>	<i>Ajay</i>

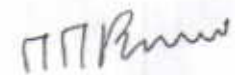
ORDER

This is an application with a prayer for recalling order dated 3.2.2016 dismissing the petition for non prosecution. The basis for prayer is that learned counsel for the petitioner has noted a wrong date of hearing i.e. 6.2.2016 (Saturday). On making enquiry from the office through his clerk learned counsel came to know that the petition was dismissed for non prosecution on 3.2.2016. Application has been supported by a photocopy of the brief and the relevant page of diary on which the date of hearing noted is 6.2.2016.

The Prayer for restoration is opposed and a reply has been filed by the non applicant-respondent. The basis of opposition is that the conduct of the petitioner has been causal in the whole proceedings as the petitioner has absented and matters has to adjourned even on the earlier date. He did not file rejoinder nor serve a copy of the petition in terms of the order passed by this Board. Even version of recording a wrong date of hearing is a concocted story and has no persuasion.

Having heard the learned counsel I am or the considered view that in the matter of restoration of petition dismissed for non prosecution the court should adopt a liberal approach and the petitioner should have an opportunity to address the court on merits. The aforesaid principle have been repeatedly followed and applied by all superior courts. Therefore the application is allowed and order dated 3.2.2016 is recalled. The petition is restored to its original number and the same be posted for hearing. The same shall be subject to payment of Rs.1000/- cost.

List on 29.4.2016 at 2.30 pm.


(CHIEF JUSTICE M.M. KUMAR)
CHAIRMAN

Dated: 1/3/2016
(Vidya)