

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI**

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH, MUMBAI.

CP No. 23/111/CLB/MB/2010

In the matter of Section 111(4) of the Companies Act, 1956

AND

IN THE MATTER OF MR. ABDUL LATIF TAINWALA & ANR.

Versus

MRS. NILUFER DAMANIA & ORS.

CORAM : **SHRI M.K. SHRAWAT**  
Member (Judicial)

Mr. Abdul Latif Tailwala & Anr. : Petitioner

Versus

Mrs. Nilufer Damania & Ors. : Respondent

Represented By :

(None) : For Petitioner

Ms. Kajal Sarvaiya : Advocate for Respondent.

**Date of Order : 27.06.2017**

1. This Petition was filed before the then CLB, Western Region, Mumbai on 19<sup>th</sup> of August 2010 under the provisions of section 111(4) of Companies Act, 1956. The main relief sought by the Petitioner is to pass an order directing the restoration of shares in the name of the Petitioner and to rectify the statutory "Register of Members".
2. On perusal of the Petition it is noticed that vide para 8 the Petitioner had admitted that in good faith he had transferred 2,500 shares in favour of Respondent No.1. The grievance is that the sale consideration as promised had not been paid. As a consequence, moved this Petition under the provisions of Section 111(4) of the Companies Act, 1956.
3. In the past this Petition was listed for hearing on several occasions but remained unrepresented properly from the side of the Petitioner. The daily order sheets (roznamcha) is full of such recording. Continuous absence of the Petitioner has thus clearly demonstrated that the petitioner is not interested in pursuing this Petition. From the side of the Respondent one or the other Learned

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Representatives remained present. Even today a legal representative was present and drawn attention on the continuous default on the part of the Petitioner, hence pleaded to dismiss ex-parte qua the Petitioner. Since the Petition is very old, hence must not remain pending although number of notices of hearing issued to the Petitioner, therefore, deemed it appropriate to dismiss this Petition for want of prosecution.

4. The Petition is hereby dismissed. Registry is directed to consign it to records.

Date : 27.06.2017.

Sd/-  
**M.K. SHRAWAT**  
Member (Judicial)