

COUFI-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. No. 126 / 2013

CORAM: 1. Hon'ble Member (J) Ms. Manorama Kumari

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 09th November, 2016, 10.30 A.M

Name of the Company		Jagdish Kumar Arora & Anr. -Versus- Kasturi Khyati Motels Pvt. Ltd. & Ors.	
Under Section		397/398	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1.	Mr. S. Chatterjee, Adv.	Petitioner	} up Seat 8/11/16.
2)	Ms. S. Chatterjee, Adv.	Petitioner.	
3)	Mr. M. K. Seal, Adv.	Petitioner.	

1.	Ms. Aditya Karodia, Adv	{ for Res. No. 1, 3 & 4	9/11/16
2.	Ms. Debasish Das, Adv		

ORDER

The Ld. Lawyer on behalf of the petitioner is present and the Ld. Lawyer on behalf of respondent Nos. 1,3 and 4 are present.

On perusal of the record, it is found that one CA 660/2013 is pending since long . The Company Application is filed by the petitioner on the death of respondent No. 2 with a prayer to delete the name of respondent No. 2, namely, Lachhamandas Chotmurada(Arora) as he expired on 2nd August, 2013.

The Ld. Lawyer on behalf of the petitioner further submitted that the only legal heir/representative of respondent No. 2 is Mr. Jagdish Kumar Arora who is the petitioner in the main Company Petition and his daughter Ms. Alka Kapoor is also arrayed as respondent No. 3. Hence, there is no question of substituting any legal heir in the main CP.

In view of the above, the name of respondent No. 2, Lachhman Das Arora(Chotmurada) is allowed to be deleted from the main CP upon his death,

The Company Application No. 660/2013 is disposed of without any cost.

The Ld. Lawyer of the respondents submitted that he wants some time to file the reply.

The respondents have failed to file their reply since inception of the Company Petition i.e. since 2013 and again they have come with the prayer to file the reply without showing any cogent ground.

Although I find no substance in the submission of the respondents to allow them time to file the reply to the main CP as they are intentionally delaying the matter, but for the ends of justice one week's time is allowed to the respondents to file the reply. The respondent(s) is/are directed to pay a fine of Rs. 2000/- (Rupees two thousand only).

The petitioner is allowed further one week's time to file the rejoinder to the reply of the respondents, if any.

In the meantime, the parties are directed to explore possibilities of amicable settlement of the issues and to submit the terms of settlement in the Court, if any.

Fix the matter on 05-12-2016 for further order.


MANORAMA KUMARI
MEMBER(J)