

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH

ORDERS ON IA No.97/17 In TP No.35/2016
In CP No.46/2012

CORAM: SRI RATAKONDA MURALI, MEMBER JUDICIAL
SRI ASHOK KUMAR MISHRA, MEMBER TECHNICAL

Order delivered on 18th September 2017

IN THE MATTER OF COMPANIES ACT, 1956
AND
UNDER SECTION 397&398 OF COMPANIES ACT, 1953
AND
UNDER RULE 11 OF THE NATIONAL COMPANY LAW TRIBUNAL
OF RULES 2016

IN THE MATTER OF MANGALA YUVA-RAJ NAKADE & OTHERS

1. Mr.Sanjay Siddlingappa Wadkar,
Major, Residing at R-3/55, Opposite Amba,
Hanuman Venkatesh Nagar,
Ambajogai Road,
Latur-413 531

.....Applicant No.1/
Respondent No.2

2. Mr.Laxmikant Balasaheb Jadhav,
Major, Residing at: Pratiksha, 170/A,
Ramakrishna Basnath Road,
Parbhani-431 401.

.....Applicant No.2/
Respondent No.3

3. Mr.Sanjay Pandurang Deshmukh,
Major, Residing at: 31, Deshmukh Par Peth,
Parali, Dist.Beed-431 515.

.....Applicant No.3/
Respondent No.4

Vs

1. Mrs. Mangala Y.Nakade
R/a.1203, A-Wing, Sanskar Neelam Nagar,
Phase-II,Mulund (East), Mumbai.

....Respondents
(Petitioner No.1 in main petition)

2. Mr. Sathish Hiregoudar,
R/a. 29-A, Whispering Wind,
Baner Pashan, Link Road, Pune.

....Respondents
(Petitioner No.2 in main petition)

PARTIES PRESENT:

For Applicant

V.Nandakrishna, for Prashanth, P.N.,
Counsel for Petitioners,

For Respondents

1. B.Rajashree, for SPJ Legal, Advocates,
Counsel for Respondent No.s 2,3 & 4.
3.Rajesh,S., Counsel for Respondent No.7

ORDER ON I.A.NO. 97/2017

This application was filed by the counsel for the applicant under Rule 7 of the NCLT Rules 2016, praying to recall the order passed by this Bench on 29/03/2017 wherein respondents have placed ex-parte.

It is noticed from the order sheet that the notices were issued to respondents are returned for one or the other reasons. The Tribunal has provided reasonable opportunity to contest the matter. Even apart from that, the respondents have not made any arrangements to appear before this Tribunal. Accordingly the respondents were placed are ex-parte.

I.A.No. 97/2017 is listed before the Bench for orders and the counsel for the applicants explained reasons why the applicants have not appeared before the Bench and if the order is not recalled, irreparable injury would cause to these respondents / applicants and prayed to recall the order dated 29/03/2017. Further the counsel for the petitioner in the main petition also not filed any counter to the said IA 97/2017. The explanation of the counsel is accepted.

Accordingly, the I.A. No. 97/2017 filed by respondents 2 to 4 is allowed and the ex-parte order passed against the respondents 2 to 4 is recalled.


(RATAKONDA MURALI)
MEMBER (JUDICIAL)

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(ASHOK KUMAR MISHRA)
MEMBER (TECHNICAL)