

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 351 OF 1997

Everest Advertising Pvt. Ltd.

...Petitioners

Versus

AVI Industries Ltd.

...Respondents

....

Ms. Madhvi Diwan i/b. Little & Co. for Petitioners
None for Respondents

CORAM: R. S. MOHITE J.
DATE: AUGUST 31, 2006.

P.C.

The Petitioners have filed this petition on the footing that the company is entitled to the sum of Rs. 9,73,213=53 being the value of the services rendered by the petitioner company as set out in the Petition.

The Petitioners are an advertising firm and they had placed several advertisements on behalf of the company through various publications. The petitioners placed advertisements after obtaining prior approval of the company by giving them price estimates. Subsequently, invoices were raised for the amount which was due and these invoices were accepted without protest or raising any dispute whatsoever. In the

invoices it is stated that the petitioners were entitled to interest at 18%.

Since, the amounts due were not been paid, the petitioners by their Advocates letter dated 11th June, 1996 recorded brief facts and then made a demand in the nature of statutory notice.

The company vide its letter dated 6th July, 1996 denied the liability to pay the amount and raised defence that there was no privity of contract with the petitioner's company and their transaction are with other companies (Edge Communication private Ltd. and Publicity Promotion Products (I) Pvt. Ltd.)

On receipt of the reply, the present petition came to be filed. It is seen that though the Respondent company was served by the Petitioner, none appeared on the date of admission. Ultimately on 31/03/1998 the petition came to be admitted and the petition has been advertised in the news paper. No creditor persons has raised any objection for allowing this petition. The company has not appeared before this court since 1997.

In the circumstances, the petition is allowed in terms of Prayer Clause (a) and (b).

(R. S. MOHITE, J.)