

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAL R.B.

C.A NO.1139/2015

IN

COP NO.149/1998

BETWEEN:

SRI.YALLAPPA
S/O HANAMANTAPPA DHAGE
AGED ABOUT 74 YEARS
RESIDING AT 3RD CROSS
RADAMMAN COLONY
OLD HUBBALI, HUBBALLI
HUBBALLI TALUK
DHARAWAD DISTRICT-580024

...APPLICANT

(BY SRI.VIJAYAKUMAR.G.BAGOJI, ADV)

AND:

M/S KARNATAKA STATE TEXTILE MILLS LTD.,
(MAHADEV TEXTILE MILLS (IN LIQN)
REPRESENTED HEREIN BY
THE OFFICIAL LIQUIDATOR
OFFICE OF THE OFFICIAL LIQUIDATOR
HIGH COURT OF KARNATAKA
CORPORATE BHAVAN, 12TH FLOOR
RAHEJA TOWERS, NO.26-27, M.G.ROAD
BENGALURU-560001

....RESPONDENT

(BY SRI.K.S.MAHADEVAN, ADV)

THIS COMPANY APPLICATION IS FILED UNDER RULE
177 OF THE COMPANIES (COURT) RULES, 1959, PRAYING

TO CONDONE THE DELAY OF 2382 DAYS IN FILING THIS CLAIM PETITION BEFORE THE RESPONDENT AND ALLOW THIS APPLICATION AND ETC.,

THIS COMPANY APPLICATION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

This application is filed under Rule 177 of the Companies (Court) Rules 1959 to condone the delay of 2382 days in filing the claim petition before the respondent-company and to allow the application.

2. I have perused the grounds averred in the application, wherein it is stated that the Official Liquidator has called for the claims, if any, from the employees of the respondent-company and from general public through public notices in paper publication in daily news paper viz., Times of India dated 03.12.2008, Hubballi Edition and Vijaya Karnataka dated 03.12.2008, Hubballi Edition. The applicant was not aware of those public notices. The applicant came to know about the said proceedings before the Official Liquidator of respondent-company in the month of April

2015. Immediately, after coming to know about the above said proceedings, the applicant has submitted his claims on 08.07.2015 in the prescribed form as per Annexure-A. The applicant has further stated that there is a delay of 2382 days in filing the claim petition and hence, he has approached this Court seeking condonation of delay.

3. Learned counsel appearing for the Official Liquidator has submitted that he has no objection to consider the application.

4. Perusing the averments made in the application regarding the delay, applicant has made out sufficient grounds. Hence, same are accepted and the delay is condoned. Accordingly, the application is **allowed** and the Official Liquidator is hereby directed to consider the claim petition filed by the applicant and to dispose of the same in accordance with law.

**Sd/-
JUDGE**

BSR