

Mumbai vs Kingfisher

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SooperKanoon Citation : sooperkanoon.com/1911967

Court : Karnataka

Decided On : Nov-14-2024

Judge : Ashok S.Kinagi

Appeal No. : CA/88/2017

Appellant : Mumbai

Respondent : Kingfisher

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2024 BEFORE THE HON'BLE MR JUSTICE ASHOK S.KINAGI COMPANY APPLICATION NO. 88 OF 2017 IN COMPANY PETITION No.214 OF 2012 BETWEEN: MUMBAI INTERNATIONAL AIRPORT PRIVATE LIMITED A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956 CHHATRAPATI SHIVAJI INTERNATIONAL AIRPORT 1ST FLOOR, TERMINAL 1 B, SANTACRUZ (E) MUMBAI-400 099 REP. BY ITS AUTHORIZED SIGNATORY MR. RAGHAVA M APPLICANT (BY SMT. SHILPA GHANSHYAMBHAI SHAH, ADVOCATE) AND:

Digitally signed KINGFISHER AIRLINES LIMITED (IN WINDING UP)

KARNATAKA BENGALURU-560 001 RESPONDENT (BY MS. KRUTIKA RAGHAVAN, ADVOCATE FOR OL) THIS COMPANY APPLICATION IS FILED UNDER SECTION 446(1) OF THE COMPANIES ACT, 1956, R/W RULE 9 OF THE COMPANY (COURT) RULES, 1959, R/W SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO PROCEED WITH THE WRIT PETITION No.3013/2014 PENDING BEFORE -2- THE HON'BLE HIGH COURT OF BOMBAY (ORDINARY ORRGINAL CIVIL JURISDICTION) FILED AGAINST THE RESPONDENT COMPANY TO MEET THE ENDS OF JUSTICE, AND ETC., THIS COMPANY APPLICATION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE ASHOK S.KINAGI

ORAL ORDER

This application is filed praying for Mandamus directing the respondents jointly and severally take necessary and expeditious steps to remove the subject aircraft from the said area; alternatively, permit the petitioner, or any other appropriate person to auction the subject aircraft and proceeds thereof be deposited with respondent No.1.

2. The Mumbai High Court, in Writ Petition No.3013/2014, permitted the Official Liquidator to e-auction the said aircraft and ensure the removal of the same vide order dated 27.03.2018.

3. Under the order passed by the Mumbai High

Court, the Official Liquidator sold the aircraft and removed -3- the aircraft from the area. He submits that in view of that, nothing survives for consideration. In view of the above discussion, the application is dismissed as having become infructuous.
Sd/- (ASHOK S.KINAGI) JUDGE BVK

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