

In Re: Company

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Court : Kerala

Decided On : Feb-06-1957

Reported in : AIR1957Ker60

Judge : Varadaraja Iyengar, J.

Acts : [Companies Act, 1956](#) - Sections 10; [Companies Act, 1913](#) - Sections 3

Appeal No. : Company M.P. No. 9 of 1956

Appellant : In Re: Company

Advocate for Def. : K.P. Abraham and; V.V. Sebastian, Advs.

Advocate for Pet/Ap. : P. Govindan Nair and; P.K. Kurien, Advs.

Judgement :

ORDER

Varadaraja Iyengar, J.

1. This is a petition to rectify the register of the 1st respondent company.
2. Preliminary objection has been raised that this petition ought to have been filed in the District Court having jurisdiction in the matter and not in the High Court and reliance is placed on the Notifications dated 23-5-1951 and 27-9-1951 Issued by the Government of India and by the T.C. State Government under Section 3 of the

repealed [Companies Act, 1913](#).. The argument is that these notifications still apply notwithstanding the repeal of the [Companies Act, 1913](#), and its replacement by the Act of 1956.

It is not contended on the petitioner's side that the notification is any way inconsistent with the express provisions in Section 10 of the Act of 1956 corresponding to the repealed Section 3. If so, the Notifications do apply and the result is that the Court of exclusive jurisdiction in the matter concerned is the Oistrict Court. See *British India Corporation Ltd. v. Shanti Narain*, AIR 1935 All 310 (A).

3. I therefore direct the return of the Company petition No. 9 of 56 herein to the petitioner for presentation to the proper Court. There will, however, be no order for costs.

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