

In Re: G. Ravindran and ors.

In Re: G. Ravindran and ors.

SooperKanoon Citation : sooperkanoon.com/718811

Court : Kerala

Decided On : Oct-11-1965

Reported in : AIR1966Ker169

Judge : P.T. Raman Nayar, J.

Acts : Companies (Court) Rules, 1959 - Rule 101

Appeal No. : Appln. No. 435 of 1965 in C.P. No. 14 of 1964

Appellant : In Re: G. Ravindran and ors.

Advocate for Pet/Ap. : K.V. Surianarayana Iyer and; C.M. Devan, Advs.

Disposition : Application allowed

Judgement :

ORDER

P.T. Raman Nayar, J.

1. The applicants had already entered appearance to support the petition for winding up when the winding up petitioner died. The applicants and the winding up petitioner are all contributories seeking a winding up under the just and equitable clause. The cause of action is one common to all of them and I think that the death of the winding up petitioner is sufficient cause for an order of substitution under Rule 101 of the Companies (Court) Rules. In fact it seems to me a stronger cause

than the causes specifically mentioned in Clauses (1) to (4) of the rule and I think it clearly comes within the 'other sufficient cause' of the following clause. Even if this is to be read ejusdem generis with Clauses 1 to 4 which provide for cases of default or disability on the part of the original petitioner it would cover the case of death which is the ultimate and most absolute default and disability.

2. I allow the application.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com