

In Re: Supreme Metprods Ltd.

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Court : Rajasthan

Decided On : Jan-16-2004

Reported in : [2004]55SCL614(Raj)

Judge : S.K. Keshote, J.

Acts : [Companies Act, 1956](#) - Sections 433 and 434

Appeal No. : S.B. Company Petition No. 6 of 1999

Appellant : In Re: Supreme Metprods Ltd.

Advocate for Def. : Vinod Goyal, Adv.

Advocate for Pet/Ap. : Anant, Adv.

Judgement :

ORDER

S.K. Keshote, J.

1. Heard learned counsel for the parties.

2. In this winding up petition the petitioner has prayed for issue of an order of winding up of the respondent-Company on the ground of its inability to pay Rs. 14,97,373.38 to the petitioner company. This amount is stated to be due of the cost of the carbon wire rods supplied to the respondent-company by the petitioner-

company.

3. The learned counsel for the petitioner does not dispute that the petitioner has also filed a suit for recovery of this amount against the respondent-company and after filing of this petition the same has been decreed in favour of the petitioner by the Civil Court.

4. In view of this fact, this winding-up petition does not survive. The reason is very obvious. The decree has been passed by the Civil Court in favour of the petitioner for this amount and it can be recovered by execution thereof.

5. As a result of the aforesaid discussion, this winding-up petition fails and the same is dismissed with costs which is quantified to Rs. 1000.

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