



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 29th OF APRIL, 2025

MISC. CIVIL CASE No. 749 of 2025

***ORICHEM DRUGS AND PHARMACEUTICALS PRIVATE LIMITED
AND OTHERS***

Versus

***SATISH CHANDRA JHA DECEASED THROUGH LRS SMT.
JAGRUTI JHA AND OTHERS***

Appearance:

*Shri Manoj Munshi, Senior Advocate along with Shri Lucky Jain, Advocate
for the applicants.*

Shri Vijayesh Atre, Advocate for the respondents.

ORDER

1] This miscellaneous civil case under Order 41 Rule 19 read with Rule 9 of the Company Court Rules, 1959 seeking restoration of MCOMA No.2/2012, dismissed for want of prosecution vide order dated 20.8.2024. The aforesaid appeal, has been filed against the order passed by the Company Law Board dated 25.05.2012. An application for condonation of delay of 163 days in filing the application has also been filed.

2] Shri Manoj Munshi, learned senior advocate appearing for the applicants has submitted that in the aforesaid appeal, on 14.8.2024, this Court had passed the order that since the matter is pending since



2012, it may be heard at an early date, and thus, it was listed in the final hearing on 24.8.2024 at 2.30 PM.

3] Shri Munshi has submitted that the applicants were under the impression that the matter would be taken up on 24.8.2024 itself whereas this Court passed the order on 20.8.2024 which was four days prior to the fixed date already given by this Court.

4] Counsel for the applicants has also submitted that the applicants were not aware of the aforesaid order, and came to know about the same only on 27.02.2025 when an E-mail was sent in this regard by the counsel for the respondents and the petition has been filed only on 01.03.2025, thus, there was delay of 163 days in filing the application, which may be condoned.

5] Counsel appearing for the respondents Shri Vijayesh Atre, has vehemently opposed the prayer, and has submitted that the case was decided only on 24.8.2024, and not on 20.8.2024, which is also apparent from the fact that the order sheet has been signed on 24.8.2024 only, which is apparent from the digital signature of the Personal Assistant. It is also submitted that counsel for the applicants is deliberately avoiding to argue the matter, and, earlier also, way back in the year 2014 due to nonappearance of the petitioner, the interim order dated 14.6.2012 was also vacated vide order dated 7.8.2014, but that order has also been defied by the appellants by keeping the respondents away from the management of the company.

6] Heard. On due consideration of the submissions, and, on



perusal of the documents filed on record, this Court finds that so far as the order dated 20.8.2024 is concerned, it has been uploaded on 24.8.2024 only, and the digital signatures of the personal assistant appended to the said order are also of 24.8.2024. The aforesaid order was dictated in the open Court, and only because the case was listed in the Final Hearing weekly list, the date on the order is shown as 20.8.2024, instead of 24.08.2024. Otherwise, there was no reason for this Court to pass the aforesaid order dated 20.8.2024, specifically referring to 24.8.2024. Thus, the aforesaid contention of the applicants that the order was passed on 20.8.2024 is without any substance and is hereby rejected.

7] However, considering the fact that the application is filed on 1.3.2025 immediately after receiving the email by the counsel for the applicants from counsel for the respondent on 27.2.2025, and the fact that the matter is pending since 2012 which is required to be taken to its logical end, this Court is inclined to condone the delay in filing the application.

8] Resultantly, to do complete justice in a case pending since 2012, this Court is inclined to hear the matter on merits. Accordingly, the MCC stands allowed, however, **with** an exemplary **cost of Rs.20,000/- (Twenty Thousand Rupees)** on the petitioners. The aforesaid cost shall be deposit by the applicants in the account of **President and Secretary H.C. Employees Union H.C. (Account No.63006406008, Branch Code No. 30528, IFSC No.**



SBIN0030528, CIF No. 73003108919) within a period of 15 days time from today, and the acknowledgment of the same shall be filed before the Registry of this Court.

9] Subject to the aforesaid, the MCOMA. No.2/2012 is hereby restored to its original number.

10] Let the matter be listed in the final hearing list in the week commencing 23.6.2025, in the final hearing list. Parties are also directed to prepare a short synopsis of the case.

11] A copy of this order be kept in the record of MCOMA. No.2/2012.

12] With the aforesaid, the present M.C.C. **stands allowed & disposed of.**

(SUBODH ABHYANKAR)
JUDGE

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