

(1965) 10 KL CK 0024

High Court Of Kerala

Case No: Application No. 435 of 1965 in C. P. 14 of 1964

In Re: M.P. Govindan and Sons
(P) Ltd.

APPELLANT

Vs

RESPONDENT

Date of Decision: Oct. 11, 1965

Citation: (1965) KLJ 1022

Hon'ble Judges: P.T. Raman Nayar, J

Bench: Single Bench

Advocate: K.V. Surianarayana Iyer and C.M. Devan, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

P.T. Raman Nayar, J.

The applicant 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 with 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 of disability.

I allow the application.