

National Company Law Appellate Tribunal, New Delhi

Company Appeal (AT) No.82 of 2020

In the matter of :

Baby Mathew &Anr.Appellants

Vs.

Mar Jacob Thoomkuzhy& Ors. ...Respondents

Present:

Appellant: Dr. U.K. Chaudhary, Advocate

Respondent: Mr. Manoj Menon, Advocate R-1 to 4

ORDER

05.06.2020 Heard the Learned Counsel for the Appellants. At this stage, the Learned Counsel for Respondent Nos. 1 to 4 (on caveat,) seeks time to file Reply.

It is the contention of Learned Counsel for the Appellants that after filing of the present Company Appeal (AT) No. 82 of 2020 by the Appellants, the Second Respondent is convening the Board Meeting of the Appellant No. 2 / Company on 08.06.2020 and if the said meeting is conducted, the whole Appeal will become an infructuous and Otios one.

At this Juncture, on a careful consideration of the contentions advanced on behalf of the Appellants, and also taking into consideration of the fact that the Respondent Nos. 1 to 4 are to file Reply to the main Appeal as well as to the IA No. 1344 of 2020,(stay Application), this Tribunal, to prevent an 'Aberration of Justice' and to promote 'substantial cause of Justice', direct the convening of the Board Meeting of the Appellant No. 2,

which is slated on 08.06.2020, to get postponed until further orders.

Notice is directed to be issued to the other Respondents through e-mail. Requisites along with process fee be filed by one week. If the Appellants provide e-mail address of the Respondents let notice be issued through e-mail.

The Learned Counsel for the Respondent Nos. 1 to 4 is directed to file Reply within two weeks and supply a copy of the Reply to the Learned Counsel for the Appellants by then. If any, Rejoinder is to be filed, it is open to the Appellants to file the same three days before the next date of hearing.

The Registry is directed to List the matter on **14th July, 2020.**

[Justice Venugopal M.]
Member(Judicial)

[Mr. Balvinder Singh]
Member(Technical)

[Mr. Alok Srivastava]
Member(Technical)

sr/nn