

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 32

TCP 19/2014

CORAM:

SH. PRABHAT KUMAR

JUSTICE V.G. BISHT (Retd.)

HON'BLE MEMBER (TECHNICAL)

HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **19.04.2024**

NAME OF THE PARTIES: **JESSICA IQBAL LUKMANI V/s DYNACRAFT
MACHINES CO. LTD. & ORS**

Section 397-398 of the Companies Act, 2013

ORDER

Adv. Amir Arsiwala a/w Adv. Vishesh Kalra, Adv. Sumeet Tyagi, Adv. Shrey Shah,
Adv. Devansh Shah i/b Vidhii Partners present.

1. Ld. Counsel for the Respondent drew our attention to an affidavit dated 2nd February, 2015 sworn by the Petitioner stating at para 4 Page 3 as under –

I say that the captioned Company Petition is a false, bogus and frivolous Petition filed by Mr. Vinod Shenoy, purporting to act on my behalf, and the captioned Petition without my knowledge and/or authorization and all the averments, contentions, submissions contained therein are not maintainable in light of the fact that I am neither a shareholder nor a director of Respondent No.1 Company and have executed a share Purchase Agreement dated 26th September, 2010, by virtue of which I have sold my entire shareholding in the Respondent No.1 Company to Respondent No.2, for a valuable consideration, which has been admittedly received by me.

2. Thereafter, we find that the Hon'ble High Court in its order dated 19th November 2019 in First Appeal No.366 of 2017, while quashing the order of the Trial Court on

the mental health of the Petitioner had taken cognizance of a Will dated 21.05.2013 executed by the deceased Jessica in favour of the Respondent, wherein she relied on the certificate issued by the Doctor stating that she is in sound mind to execute the will. Further Hon'ble High Court also relied upon copy of plaint filed by deceased Jessica against the Respondent on 15.01.2015 for several relief including cancellation of Power of Attorney and the Will. After taking cognizance of the all those documents, the Hon'ble High Court has held that all these documents shows that some dispute was going on between the Respondents (the Petitioner and her Son). The Ld. Counsel further submits that this petition was filed on 31.05.2013 by the Petitioner's Son acting on a Power Attorney alleged to be executed in its favour by the Petitioners.

3. We find that the said averment in the Petition is in contradiction with the affidavit in the petition placed on record, which state she has disposed of her shareholding and she is not a member of the Company itself. In view thereof, this petition is not maintainable in terms of Section 244 of the Companies Act, 2013.

Accordingly, TCP 19/2014 is **dismissed**.

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PRABHAT KUMAR
MEMBER (TECHNICAL)

Rehan Shaikh

-sd-
JUSTICE V.G. BISHT
MEMBER (JUDICIAL)