

## MISCELLANEOUS CIVIL.

*Before Mr. Justice Mukerji.*IN THE MATTER OF KEKRI PRESS COMPANY,  
LIMITED.\*1926  
May, 28.

*Act No. VII of 1913 (Indian Companies Act), section 12—  
Application by a Company situated in Ajmere-Merwara  
for transfer of its registered office—High Court—Juris-  
diction—Regulation No. I of 1877, section 23.*

*Held*, that the High Court at Allahabad had no jurisdiction to entertain an application, under section 12 of the Companies Act of 1913, made on behalf of a Limited Company, situated in Ajmere-Merwara, for the transfer of its registered office, the Chief Commissioner of Ajmere-Merwara being the "High Court" for such purposes.

THIS was an application under section 12 of the Indian Companies Act, 1913, made by the Kekri Press Company, Limited, praying for the confirmation of a resolution by which the company proposed to locate its registered office at Aligarh, instead of, as formerly, at Beawar in Ajmere-Merwara. The only question raised in the case was whether the High Court at Allahabad had jurisdiction to make the order prayed for.

Munshi *Panna Lal*, for the applicant.

MUKERJI, J. :—This is an application on behalf of the Kekri Press Co., Ltd., purporting to have been made under section 12 of the Companies Act, praying for the confirmation of a resolution by which the Company proposed to locate its registered office at Aligarh instead of, as hitherto, at Beawar.

At the last hearing of the application I entertained some doubt as to whether I could hear it. I granted the learned counsel a week's time. The matter has again been argued to-day. I am not satisfied that this Court has jurisdiction to entertain the application.

1924

IN THE  
MATTER OF  
KEERI  
PRESS  
COMPANY,  
LIMITED.

Under section 12 of the Companies Act of 1913 the alteration of the place of the registered office cannot take place unless the resolution proposing the transfer has been confirmed by "the court". "The court" is, according to the definition of the expression given in section 2 of the Companies Act, the court having jurisdiction under the Act. Under section 3 the court having jurisdiction is the High Court having jurisdiction in the place at which the registered office of the Company is situate. The registered office of the Company is situate in Beawar, a place over which this Court has no ordinary jurisdiction. I have been referred to the provision of section 23 of Regulation No. I of 1877, which consolidates and amends the law relating to the administration of civil and criminal justice in Ajmere and Merwara, as establishing the fact that references under chapter 46 of the Civil Procedure Code or under section 11 of the Provincial Small Cause Courts Act are to be made to the High Court and not to the Chief Commissioner. But it is the Chief Commissioner who is the highest court of appeal in the locality mentioned under the very section 23 of the Regulation. The word "High Court" is defined in the General Clauses Act with reference to civil proceedings as the highest court of appeal in the part of British India in which the Act containing the expression "operates". Thus the Chief Commissioner of Ajmere-Merwara is the High Court for the purposes of civil proceedings and therefore for the purposes of the Companies Act.

I hold that this application has been made to the Court without jurisdiction and order that the petition, after a certified copy has been kept, be returned to Mr. *Panna Lal* for being presented to the proper court.