

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO. 264 OF 2015
IN
COMPANY PETITION NO. 125 OF 2013

M/s.Pan India Motors Private Limited ... Applicant

IN THE MATTER BETWEEN :

DSV Air and Sea Private Limited ... Petitioner

Versus

M/s. Pan India Motors Private Limited ... Respondent

Mr. Kamal Katha a/w. Mr. Akshay Vani i/b. MLS Vani and Associates for the Applicant.

Mr. A. Jaykar i/b. Jaykar and Partners for the Petitioner.

CORAM : S.J. KATHAWALLA, J.
DATED : 7TH APRIL, 2015

P.C.

1. Mentioned. Not on board. Taken on board.
2. The above Company Petition was admitted by an order dated 28th August, 2014. The same was thereafter advertised.
3. On 1st December, 2014 the Respondent Company undertook to pay an amount of Rs. 12,14,374/- to the Petitioner in full and final settlement of the Petitioner's claim on or before 25th January, 2015. It was also agreed that in the event of the Respondent Company committing default in making payment to the Petitioner as agreed, the Company

Petition shall stand allowed in terms of prayer clauses (a) and (b). The Respondent Company failed to make the payment as agreed. The Respondent Company has now taken out the above Application for setting aside the order dated 1st December, 2014 on the ground that they are ready to pay the said amount of Rs.12,14,374/- to the Petitioner. The Applicant has in the Affidavit in support of the Application set out the circumstances in which the Respondent Company was unable to pay the said amount of Rs.12,14,374/-. For the reasons set out in the Affidavit in support of the Application, the order dated 1st December, 2014 is set aside.

4. The above Company Petition as well as the Company Application are accordingly disposed of.

(S.J. KATHAWALLA, J.)