

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 383 OF 2014
IN
COMPANY PETITION NO. 156 OF 2012**

Swani Spice Mills Private Limited

(Factory Division)

... Applicant

IN THE MATTER BETWEEN :

Swani Spice Mills Private Limited

(Factory Division)

... Petitioner

Versus

The OL of M/s. Indage Vintners Limited

(formerly known as M/s. Champagne Indage

Limited)

... Respondent

Mr. Rupa B. i/b. Prem Gidwani for the Applicant.

Ms. Pratibha, Assistant OL, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 25TH MARCH, 2015

P.C.:

1. By the above Application, the Applicant seeks the following relief :

“(a) That the Applicant be allowed to join the Respondent as party in Bombay City Civil Court being Suit No. 3870 of 2012 (High Court Summary Suit No. 1921 of 2012) with consequential amendments”.

2. Admittedly, the Respondent Company (in liquidation) is only the Defendant in Suit No. 3870 of 2012. The Applicant is admittedly an unsecured creditor of the Respondent Company (in liquidation). The Official Liquidator has no funds to the credit of the Company. In view thereof, the Applicant is directed to file its claim before the Official Liquidator. The Official Liquidator shall adjudicate the claim of the Applicant within a period of three months from the date of receipt of the claim from the Applicant.

3. The above Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)