

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (L) NO. 584 OF 2014
IN
COMPANY PETITION NO. 642 OF 1983

Prakash Bhimrao Waghralkar ... Applicant

IN THE MATTER BETWEEN :

Reliance Textile Industries Limited ... Petitioner

Versus

The OL of Shreeniwas Cotton Mills Ltd. ... Respondent

Mr.C.N. Mehta i/b. MMK Law Associates for the Applicant.

Mr. Cyrus Ardhesir i/b. Wadia Ghandy and Company for the Respondent Company (in liquidation).

Ms. Yogini Chauhan, Assistant OL, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 26TH MARCH, 2015

P.C.:

1. By this Company Application, the Applicant is seeking a direction against the Official Liquidator to make payment towards the claim of the Applicant on the basis of the adjudication done by the Official Liquidator.

2. The Official Liquidator has by its order dated 26th November, 2014 adjudicated the claim of the workman Mr. Bhimrao Waghralkar, the deceased father of the Applicant herein and has held that a sum of Rs.2,27,698 is due and payable to the worker. The said order however

records that the office of the Official Liquidator shall take an indemnity bond, affidavit of the claimant and an NOC from the heirs before releasing the aforesaid amount.

3. The Applicant states that in terms of the aforesaid order, he has submitted an indemnity bond. The Applicant states that he is the only child and legal heir of the deceased Bhimrao Waghralkar and Ratnabai Waghralkar.

4. The Applicant states that the aforesaid Bhimrao Waghralkar and Ratnabai Waghralkar have died intestate and that the property bearing No. 165 / 3, admeasuring 979 sq.ft. equivalent to 90.98 sq.mtrs. situated at village Hasurwadi, Taluka Gadhinglaj, Kolhapur, has devolved upon him as he is the only child and legal heir of his deceased parents. In addition to the indemnity bond already executed by the Applicant, the Applicant undertakes that he shall not create any right, title and / or interest and / or part with the possession of and / or create any third party rights in respect of the aforesaid property for a period of one year from the date hereof.

5. The Applicant further undertakes that in the event a claim is made by any person in the name of Bhimrao Waghralkar and / or his legal heirs and is found to be genuine then the Applicant shall return the sum of Rs.2,27,698/- received by the Applicant to the Official Liquidator. The

undertaking is accepted.

6. The Company Application is accordingly disposed of in the abovementioned terms with no order as to costs.

(S.J. KATHAWALLA, J.)