

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.489 OF 2014

Vishwanath Khemka ... Petitioner
versus
Datsun Fashion Ltd., (formerly known
as Rolson Industries India Ltd.) ... Respondent

Mr. Sandeep Jalan, for Petitioner.
Mr. A.K.Chauhan, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th FEBRUARY, 2015

PC.

1. The above Company Petition was admitted by an order dated 08-01-2015. The Petitioner has not advertised the above Petition. Since the claim of the Petitioner against the Company is settled and Consent Terms dated 19th January, 2015 have been filed in the arbitration proceedings which were pending between the parties. In view thereof, by consent, the following order is passed :

(i) A copy of the Consent Terms is taken on record and marked 'X' for identification.

(ii) Order in terms of the Consent Terms marked 'X'.

(iii) In the event of any default on the part of the Company in making the payments as agreed under the Consent Terms, the above Petition shall

without reference to this Court, stand revived and the Petitioner shall advertise the admission of the Petition as directed in the order dated 08-01-2015. In that event, the returnable date shall be six weeks from the date of default and the Petitioner shall also deposit an amount of Rs.10,000/- towards publication charges within a period of two weeks from the date of default, failing which the Company Petition shall stand dismissed. Notice under Rule 28 of the Companies (Court) Rules, 1959 shall also stand waived on behalf of the Company.

(vi) The Company Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)