

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

COMPANY APPLICATION NO.49 OF 2014
IN
COMPANY APPEAL NO.45 OF 2014
IN
COMPANY PETITION NO.2 OF 2014

Trevor Machado .. Applicant
-Versus-
Joyce Realtors Pvt. Ltd. And Anr. .. Respondents

Mr.Milind Sathe, Senior Advocate I/b. Vipul Shukla for applicants
Mr.Zeena, Kavita and Urjita i/b. S.K.Srivastava & Co. for respondent
No.1
Mr.A.S.Doctor i/b. Junnarkar & Co. for respondent No.2

CORAM : S.J.KATHAWALLA, J.

DATE : 26th March 2015.

P.C.

1. On 16th June, 2014 this Court heard the learned Advocates appearing for the parties at some length. Submissions were also made before this Court as to whether Mr. Trevor Machado, the Nominee Director on the board of the Respondent No. 1 resigned with effect from 30th November, 2011 or 17th June, 2013. Finally by consent of the parties, the following order was passed :

“1. Heard the learned Advocates for the parties. By consent, the following order is passed :

(i) Form No. 32 pertaining to the resignation of the

Applicant Mr. Trevor Machado, the Nominee Director of the Respondent No. 2 on the board of Respondent No. 1 with effect from 30-11-2011 shall be filed with the ROC. The same shall be done on-line by the Respondent No. 1 Company.

(ii) It is clarified that this order shall not prejudice any of the contentions which the parties are desirous of raising in Company Appeal (L) No. 30 of 2014.

(iii) The Company Appeal (L) No. 31 of 2014 and Company Application (L) No. 22 of 2014 accordingly stand disposed of.

(iv) Office to forthwith number the above Appeal and the Company Application”.

2. On 2nd July, 2014 the Applicant (original Respondent No. 1) moved this Court by way of a praecipe and submitted that in clause (i) of para 1 of the said order dated 16th June, 2014 the date “30-11-2011” be corrected as “17-06-2013”. This Court directed the Applicant to take out a formal Application seeking appropriate reliefs.

3. The Applicant, more than a month thereafter, filed the above Company Application seeking reliefs as follows :

“(a) that this Hon'ble Court be pleased to correct and / or modify or vary paragraph 1 (i) of the order dated 16th June, 2014 passed in the above Company Appeal ;

(b) to condone the delay, if any in taking out the above Application”.

4. It is submitted on behalf of the Applicant that the date 30th November, 2011 in clause (i) of para 1 of the order dated 16th June, 2014 is incorrectly recorded and the same be changed to 22nd July, 2013. As stated hereinabove, submissions as to whether Mr.. Trevor Machado, the Nominee Director on the board of the Respondent No. 1 resigned with effect from 30th November, 2011 or 17th June, 2013 were made before this Court on 16th June, 2014 and finally an order was passed by consent that *“Form No. 32 pertaining to the resignation of the Applicant Mr. Trevor Machado, the Nominee Director of the Respondent No. 2 on the board of Respondent No. 1 with effect from 30-11-2011 shall be filed with the ROC. The same shall be done on-line by the Respondent No. 1 Company”.*

5. In view of the above, the question of correcting, modifying / varying the order as sought by the Applicant does not arise and the above Application is dismissed.

(S.J.KATHAWALLA, J.)