

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMPANY APPLICATION NO. 784 OF 2015****IN****COMPANY PETITION NO. 893 OF 1997**

Five Fate Infrastructure Pvt.Ltd.

...Applicant

In the matter between

IIT Capital Services

...Petitioner

vs.

The Official Liquidator

...Respondent

Mr.Prathamesh Kamat with Suraj Iyer i/b. Ganesh & Co. for Applicant.
Ms.Prathibha Ramaswamy, Asstt.OL present.

CORAM : S.C. GUPTE, J.**21 OCTOBER 2015****P.C. :**

The Applicant, who is a secured creditor of the company in liquidation and who is a decree holder intending to execute his decree outside winding up, seeks leave under Section 446 of the Companies Act, 1956 for prosecution of his execution application.

The application is allowed by granting leave under Section 446 of the Act in terms of prayer clause (a). Needless to add that as and when the Applicant seeks to enforce his security by way of execution of the decree, he shall associate the Official Liquidator with the exercise of sale of property.

(S.C. Gupta, J.)