

dik

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

**COMPANY APPEAL NO.55 OF 2012
IN
COMPANY PETITION NO. 53 OF 2012**

Mr Asif Harianawalla & Anr.

...Appellants.

VS

Mr Gulam Harianawalla & Ors.

...Respondents

.....
Mr Rahul Narichania, Sr. Advocate i/b ALMT Legal for the Appellants.
Mr Hemant Sethi for Respondent Nos.1 and 2.
.....

**CORAM : S.C. GUPTA, J.
AUGUST 20, 2015**

P.C. :

By consent the impugned order dated 19 July 2012 is set aside. The Respondents shall be entitled to apply for ad-interim reliefs afresh before the Company Law Board ("CLB"). All rights and contentions of the parties in relation to such application are kept open. In the meantime, without prejudice to their rights and contentions, the Appellant shall maintain status-quo in respect of the property, which is the subject matter of the present Appeal for a period of three weeks. It is clarified that this order is passed strictly by consent and without this Court in any way expressing any opinion on the merits of the case. It will be for the CLB to apply its mind afresh to the facts of the case and pass an order in accordance with law. In the event any application for ad-interim reliefs is made by the Respondents, any orders passed on such application shall contain reasons. The CLB shall at any rate make an endeavor to dispose of the main company petition finally within a period of 12 weeks from today. Parties are at liberty to file any further pleadings that they may choose to file in the original company petition.

(S.C.GUPTA J.)