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

COMPANY PETITION NO. 626 OF 2013

Meghna Dalmia
VS
M/s Trans Freight Containers Ltd.

...Petitioner
...Respondent.

.....
Mr Pranav Sampat i/b Khaitan & Co. for the Petitioner
Mr M.S.Doctor, Sr. Advocate i/b Bachubhai Munim & Co. for the Respondent.
.....

CORAM : S.C. GUPTA, J.

SEPTEMBER 14, 2015

P.C. :

Heard learned Counsel for parties. By consent, the Petition is disposed of by the following order:

- (i) The Respondent shall deposit in this Court a sum of Rs.41.70 lacs within a period of four weeks from today. Immediately after deposit of this amount, the Respondent shall intimate the Petitioner about such deposit. The Petitioner shall within a period of eight weeks from that date file a suit in an appropriate Court seeking recovery of the amount claimed in the Petition. The amount deposited by the Respondent shall be credited to the account of that suit and shall abide by whatever order, interim or otherwise, that will be passed by the suit Court. The Prothonotary & Senior Master shall accordingly cause the amount to be transferred to the appropriate Court;
- (ii) In the event, the Respondent defaults in depositing this amount within the stipulated period, the Company Petition shall stand revived and admitted and be advertised in two local newspapers, viz. “**Free Press Journal**” (in English) and “**Nav-Shakti**” (in Marathi)

and also in Maharashtra Government Gazette. Any delay in publication of the advertisement in the Maharashtra Government Gazette, and any resultant inadequacy of the notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959. In that event the Petitioner shall deposit an amount of Rs.10,000/- with the Prothonotary and Senior Master of this Court towards the publication charges, within a period of two weeks thereafter, with intimation to the Company Registrar, failing which the Petition shall stand dismissed for non-prosecution without further reference to the Court. After the advertisements are issued, the balance, if any, shall be refunded to the Petitioner. In that event, a copy of this order shall forthwith be served on the Company by hand delivery and by Registered Post AD by the Advocate for the Petitioner. Returnable date in that case would be six weeks after the date of default.

(S.C.GUPTE J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.