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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1756 OF 2015

IN

SUIT NO.976 OF 2008

M/s. Omnitech Infosolutions Ltd. ...Plaintiff

vs

Maharashtra State Road Transport
Corporation And Anr. ...Defendants

.....

Mr. Suresh Dubey, for the Plaintiff/Applicant.

Ms. P.M. Bhansali, i/b. M/s. Hegde & Associates, for Defendant No.1.

....

CORAM : S.C. GUPTE, J.

DATED : DECEMBER, 14, 2015

P.C. :

. The Notice of Motion is taken out by the Original Plaintiff for setting aside an order dated 10 June 2015 dismissing the suit. By the order dated 10 June 2015, the suit was dismissed on the ground that the Plaintiff Company had been ordered to be wound up and no proceedings had been taken out for bringing the Official Liquidator on record. It has been pointed out by the Plaintiff in the present Notice of Motion that the order of the Company Court dated 18 March 2015 ordering the Company to be wound up and ordering the Official Liquidator to act as liquidator of the Company, was stayed by the Appeal Court vide order dated 30 April 2015. The appeal is still pending before the Appeal Court and the ad-interim stay of the operation of the impugned order of 18 March 2015 continues till date. In

the premises, the impugned order dismissing the suit will have to be set aside. Accordingly, delay in taking out the Notice of motion is condoned and the order dated 18 June 2015 is recalled and set aside and the suit is restored on the file, to be heard on merits.

2. The Notice of Motion is disposed of accordingly.

(S.C. GUPTE, J.)