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

**COMPANY APPEAL NO. 11 OF 2011
IN
CLB/COMPANY PETITION NO.20 OF 2008
WITH
COMPANY APPLICATION NO. 26 OF 2012
IN
COMPANY APPEAL NO. 11 OF 2011
IN
CLB/COMPANY PETITION NO.20 OF 2008**

Ashokan Edachali & Anr. ...Appellants

VS

Prompt Printing Press Pvt. Ltd. & Ors. ...Respondents

.....

Mr Anoshk Daver a/w Vijay Badgujar a/w Ms Tejashree Mhatre i/b Singhania
Legal Services for the Appellant.

Mr V Bhaskaran for Respondent Nos.1,2 and 4.

**CORAM : S.C. GUPTA, J.
JULY 23, 2015**

P.C. :

After the matter was heard at length, learned Counsel for the Appellant seeks leave to withdraw the appeal on liberty being granted to the Appellant to apply for appropriate reliefs before a Civil Court in respect of the subject transfer of shares, which according to the Appellant is based on a fraudulent and got up document. Accordingly, the appeal is dismissed as withdrawn with liberty as prayed. It is clarified that the appellant will be entitled to ask for such interim reliefs before the Civil Court as he may be advised. All rights and contentions of the parties, in this behalf, are expressly kept open. It is also clarified that in the event a suit is filed before the Civil Court by the Appellant, the argument that the Appellant is entitled to exclude from the period of limitation, the time consumed in prosecution before the Company Law Board and before this Court under Section 111 and 10F of the Companies Act, shall also be open. The appeal is disposed of accordingly. There shall be no order as to costs. In view of the disposal of the appeal, the Company Application does not survive and the same is also disposed of.

(S.C.GUPTA J.)