

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

**C.A.O. NOS. 1114/12 & 1115/12 IN COMPANY APPEAL NO. 1/2010 IN
COMPANY PETITION NO. 10/05**

(M/s. Praptee Marketing Services Pvt. Ltd. .vs. Mrs. Asha D. Yewale & others
Applicants : Mr. Murlidhar Bhika Patil & Mr. Prakash Murlidhar Patil)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. A.C. Dharmadhikari, Advocate for appellant,
Mrs. T.D. Khade, Advocate for respondent nos. 1 to 5.

CORAM : B.R. GAVAI & P.N. DESHMUKH, JJ.

DATED : NOVEMBER 23, 2015.

Mrs. T.D. Khade, learned Advocate for respondent nos. 1 to 5 and applicants, submits that the grievance of the applicants no more survives and as such, the applicants are not interested in prosecuting the applications.

The applications are, therefore, disposed of as withdrawn.

C.A.O. NO. 279 OF 2011 :

This is an application for modification of the order passed by this Court dated 5.1.2011. It is submitted that the Division Bench vide the said order has recorded the statement made by Mr. Dhondarkar, Advocate on behalf of one Mr. Sunil Rambhau Nimbhorkar, Managing Director of the Company, that the appellant will deposit an amount of Rs.50,00,000/- with the Official Liquidator in two equal instalments.

Mr. A.C. Dharmadhikari, learned Advocate for

appellant, submits that the said Mr. Sunil Rambhau Nimbhorkar had no authority to make the statement. It is submitted that as a matter of fact, the dues of all the creditors are satisfied and there are no specific dues against the appellant.

The report is also placed on record by the Official Liquidator. The perusal of the report would show that total 31 claims were received in the office of the Official Liquidator and they are adjudicated by the Chartered Accountant. It is submitted that out of the claims, the claims of 26 depositors have already been satisfied. However, the claims of three claimants could not be satisfied as the address was not given and they are kept pending. The report would further reveal that there is an amount of Rs.3,99,597/- available with the O.L.R. to the credit of the present company.

In the application, the applicants have also undertaken to furnish the amount as and when directed by the Official Liquidator if there are any further claims made against the present appellant.

In that view of the matter, we find that the application deserves to be allowed. The application is allowed. The order directing deposit of Rs.50,00,000/- is recalled.

Judge

Judge

J.