

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

**COMPANY APPEAL NO.57 OF 2015
IN
CLB/COMPANY PETITION NO.65 OF 2013**

Astute Engineering Services Pvt. Ltd. & Ors....Appellants

V/s.

Mr.Saikumar Shivmurthi Javalkoti & Ors.Respondents

Mr.Mahek Kamdar i/by Kanga & Co. for the appellants.

Mr.S.S.Kulkarni for the respondent no.1.

**CORAM : K.R.SHRIRAM,J
DATE : 4.2.2016**

P.C.:-

1 After hearing the counsel for the appellants and the counsel for the respondents, the following order by consent, is passed :-

ORDER

(a) The impugned order passed on 15.7.2013 is set aside ;

(b) The respondent no.1 may, should he wish, apply for inspection of records of respondent no.1 in his capacity as a shareholder of the company ;

(c) The Company Law Board may decide the application of respondent no.1 for amending the petition on its own merits ;

(d) The appellants are free to inform the parties regarding the alleged removal of the petitioner as a director of respondent no.1-company ;

(e) Both parties are restrained from making any defamatory statement against each other.

2 Shri Kulkarni for the respondents states that if the amendment application is allowed, the respondent who is the petitioner before the Company Law Board should be permitted to take out fresh application for interim reliefs. It is upto the respondent to take such application as advised and it is upto the Company Law Board to entertain the application or reject the application. This court cannot make any observation thereon.

3 All contentions of the parties are kept open.

4 The appeal accordingly stands disposed. The company application if any, also stands disposed.

(K.R.SHRIRAM,J)

CERTIFICATE

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