

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

**COMPANY APPEAL NO.60 OF 2009  
IN  
CLB/COMPANY PETITION NO.45 OF 2008**

Mr. Dineshchandra N. Shah & Anr. ....Appellants  
Vs.  
Shri Sureshchandra N. Shah & Ors. ....Respondents

**WITH  
COMPANY APPEAL NO.61 OF 2009  
IN  
CLB/COMPANY PETITION NO.46 OF 2008**

Mr. Dineshchandra N. Shah & Anr. ....Appellants  
Vs.  
Smt. Dharmishta S. Shah & Ors. ....Respondents

**WITH  
COMPANY APPEAL NO.62 OF 2009  
IN  
CLB/COMPANY PETITION NO.47 OF 2008**

Mr. Dineshchandra N. Shah & Anr. ....Appellants  
Vs.  
Shri Jignesh S. Shah & Ors. ....Respondents

**WITH  
COMPANY APPEAL NO.63 OF 2009  
IN  
CLB/COMPANY PETITION NO.48 OF 2008**

Mr. Dineshchandra N. Shah & Anr. ....Appellants  
Vs.  
Shri Dakshesh S. Shah & Ors. ....Respondents

**WITH  
COMPANY APPEAL NO.64 OF 2009  
IN  
CLB/COMPANY PETITION NO.49 OF 2008**

Mr. Dineshchandra N. Shah & Anr. ....Appellants  
Vs.  
Privy Trading Pvt. Ltd. & Ors. ....Respondents

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Mr. Ganeshmurthy i/b. K. Vaiyar & Associates for the appellants in all appeals.

Mr. Shadab Khan i/b. Raji Subramaniam for the respondent no.1 in all appeals.

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

**DATE : 05<sup>th</sup> FEBRUARY, 2016**

**P.C.:-**

1           The counsel for the appellant in all the above mentioned appeals states that all the respondents have been served but, except respondent no.1, nobody is present.

2           The counsel for the appellant and counsel for the respondent no.1 state that on the basis of and in view of the judgment and order dated 7<sup>th</sup> July, 2010 passed by a Single Judge of this court (S.J. Vazifdar) in Company Appeal No.59 and 53 of 2009 and judgment and order dated 17<sup>th</sup> February, 2012 by the Gujarat High Court in Company Appeal No.57 and 58 of 2010, by consent the appeal may be allowed and the impugned order dated 22<sup>nd</sup> June, 2009 be set aside.

3           In view thereof, the order dated 22<sup>nd</sup> June, 2009 impugned in the appeal is hereby set aside.

4           The appeals are accordingly disposed. Interim applications, if any, also stand disposed.

**(K.R.SHRIRAM,J)**