

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

**COMPANY APPLICATION NO.511 OF 2014
IN
COMPANY PETITION NO. 626 OF 1989**

In the matter of Companies Act, I of
1956

And

In the matter of M/s. Intex Computer
Private Ltd. (In Liquidation)

Mr.Pyareraj Tukaram Naik

.. Applicant

And

Omega Power Systems

.. Petitioner

Vs.

The Official Liquidator,
High Court, Bombay & Ors.

.. Respondents

Mr.Sailesh Thakkar for applicant.

Mr.Rohit Gupta i/b Mr.Rajkumar Bhavsar for respondent nos.2 and 3.

CORAM : K.R.SHRIRAM, J.

DATE : 17TH FEBRUARY, 2016

P.C.

1 Prayer clauses (a) and (b) of the application read as under :

(a) The Hon'ble Court be please to direct the Respondent to distribute the corpus amount lying with him, to the Applicant in proportion to the extent of his share holding, i.e., 25000 shares out of the total shares 50000, viz., 50% of the amount in the hands of the Respondent of the said Company in Liquidation.

(b) The Respondent be directed to submit the accounts of the said company in Liquidation to the Applicant.

2 The applicant and respondent nos.2 and 3, who were entitled to the corpus, have come to a settlement as reproduced in the Minutes of Order dated 17.02.2016 tendered in Court. The same is taken on record and marked 'X' for identification. It also reads as under :

MINUTES OF ORDER

1. By consent the Applicant and Intervener/Respondent Nos.2 and 3 , the above Company Application is made absolute in terms of prayer clauses “a” and “b”.
2. Respondent No.1 is directed to comply with the prayer clause “b” within 2 weeks from today.
3. The Respondent No.2 unconditionally withdraws his claim in the corpus lying with the Respondent No.1 in view of the settlement arrived at between the parties hereto.
4. Respondent No.1 to pay the 50% of the corpus lying with the Respondent No.1 to the Applicant as per prayer clause “a” and the balance 50% of the corpus lying with the Respondent No.1 to the Intervener/Respondent No.3 within four weeks from today.
5. The Respondent No.3 is residing abroad and hence, cannot come down for signing the consent. In view of that, he has given his confirmation by way of email, which has been annexed hereto. The Respondent No.2 is flying to Delhi for some urgent business and hence he as also given his consent by way of email, which has been annexed hereto.
6. No order as to cost.

3 The time prescribed as two weeks and four weeks in clause 2 and clause 4 respectively, to read as four weeks and eight weeks, respectively.

4 Order in terms of Minutes of Order.

5 The company application stands disposed accordingly.

(K.R. SHRIRAM, J.)