

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO.220 OF 2014

PVR Limited	...Petitioner
<i>Versus</i>	
Jalan Capital	...Respondent

Mr. B.G. Saraf, *for the Petitioner.*
Mr. Sunil Kadam, *for the Respondent.*
Mr. Sandip Warang, *representative of Petitioner present.*

CORAM: G.S. PATEL, J.
DATED: 18th March 2016

P.C.

1. Having taken instructions, Mr. Saraf for the Petitioner seeks leave to withdraw Petition with liberty to file a regular civil suit. He submits that the Petitioner be protected on the question of limitation. At the same time, learned Advocate for the Respondent also submits that its contentions by way of counter claim or an independent suit be similarly safeguarded. These suggestions are reasonable.

2. The Petition is allowed to be withdrawn with liberty to the Petitioner to file a substantive civil suit for its claim. For its part, the Respondent agrees and undertakes to this Court (and which undertaking is accepted) not to raise a plea of limitation in any such

suit that the Petitioner may file. Further, it is clarified for the purposes of Section 14 of the Limitation Act, that the Petitioner has been *bona fide* and in good faith pursuing his remedy for the same relief in this Court, but which this Court cannot entertain since the Petition raises disputed questions of fact that fall outside this Court's summary powers under Sections 433 and 434 of the Companies Act, 1956.. Equally, if the Respondent files a counter claim or an independent suit, the Petitioner will not raise a plea of limitation against the Respondent.

3. The Company Petition is disposed of in these terms with no order as to costs.

4. Mr. Sandip Warang, a representative of Petitioner company is present in Court when this order is dictated. His presence is noted.

(G. S. PATEL, J.)