

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

SUIT NO.352 OF 2005

Hitachi Koki India Ltd.

....Plaintiff

Vs.

Anant Vigneshwar Hegde and Ors.

....Defendants

Ms. Oendri Neogi a/w. Mr. Amey Mirajkar i/b. M/s. AZB and Partners for plaintiff.

None for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 19th SEPTEMBER, 2017

PC.:

1 Ms. Neogi, counsel for plaintiff states that the suit was decreed as against defendant nos.1,2,4 and 5. So far as defendant no.3 is concerned, no decree was passed in view of the pending inquiry before BIFR. Ms. Neogi further states that thereafter defendant no.3 had filed an application before the National Company Law Tribunal at Bangalore, which application has been withdrawn as per the order dated 4th July, 2017. Ms. Neogi tenders a copy of the order which is taken on record and marked 'X' for identification.

2 Defendant no.3 is not represented today. The suit has through out proceeded ex-parte against defendant no.3 also. Ms. Neogi states that no written statement has been filed by defendant no.3.

3 Since the Court has granted decree against defendant nos.1,2,4 and 5 but did not grant decree against defendant no.3 because of BIFR proceedings that were pending and now that no such proceedings are pending and the application filed by defendant no.3 before the National Company Law Tribunal also been withdrawn, the suit stands decreed against defendant no.3, as well.

4 Suit accordingly stands disposed.

(K.R. SHRIRAM, J.)