

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

**COMPANY APPLICATION NO.276 OF 2015
IN
COMPANY PETITION NO.257 OF 2012**

Yash Tejpal Shah & Ors. .. Applicants

In the matter between

M/s.Eros International Media Limited .. Petitioner

Vs.

Shree Ashtavinayak Cine Vision Ltd. .. Respondent

Mr.Rajiv Narula i/by Mr.Jhangiani Narula & Associates for the applicant.

Mr.Akshay Patil i/by Mr.R.M. Asim for the petitioner.

Ms.Yogini Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 10th February 2017

P.C. :

. By this application, the applicant seeks leave under Section 446 of the Companies Act, 1956 to continue prosecuting the Execution Application No.281 of 2012 filed by the applicant against the respondent no.2-company in liquidation before this Court.

2. Mr.Narula, learned counsel appearing for the applicant states that his client will pay the professional fees and expenses, if any, required to be borne by the official liquidator to represent the company in the said execution application incurred on engaging advocate and counsel within two weeks from the date of such communication by the official liquidator. Statement is accepted.

3. Company application is made absolute in terms of prayer clause (a) on the condition that the applicant pays the professional fees and other expenses, if any, as may be borne by the official liquidator to defend the said execution application. It is made clear that if the official liquidator desires to engage the services of an advocate on record and counsel to defend on behalf of the company in liquidation in the said execution application, the official liquidator would be at liberty to do so. No order as to costs.

R.D. DHANUKA, J.