

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 170 OF 2015
IN
COMPANY APPLICATION NO. 571 OF 2014
IN
COMPANY PETITION NO. 428 OF 1994

Solapur Siddheshwari Sahakari Bank Ltd. ...Applicant

V/s

Official Liquidator of M/s Solar Busiforms Ltd.& Ors. ...Respondents

Mr. Sham V. Walve for the Applicant in CA No. 571 of 2014.

Mr. D. Walimbe for the Applicant in CA No. 170 of 2015

Mr. Satelkar for the OL.

Mr. Sharma - OL, present.

CORAM: S.J. KATHAWALLA, J.

DATE : 13TH JANUARY, 2017

P.C.:

1. Company Application No. 170 of 2015 seeks the following reliefs :

"(a) that this Hon'ble Court may be pleased to clarify that Indian SME Asset Reconstruction Company Limited is not entitled to dispossess the Applicant herein on the basis of order dated 19th December, 2014 and the word peaceful possession in prayer clause (c) only refers only symbolic possession of the property;

(b)that this Hon'ble Court be pleased to direct the parties not to disturb the long standing and peaceful possession of the Applicant over the said property without following due process of law".

2. After hearing the parties, the following order is passed by consent of parties :

(a) The order dated 19th December 2014 does not entitle the parties to recover physical possession of the area of the premises occupied by the Applicant except by following due process of law;

(b) All rights and contentions in that regard are kept open.

3. In view of the above, the Company Application does not survive and the same stands disposed of in terms of the above consent order. There shall be no order as to costs.

(S. J. KATHAWALLA, J.)