

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 454 OF 2016
IN
COMPANY PETITION NO. 1015 OF 2008

Bobby Samuel Applicant

IN THE MATTER BETWEEN

Harendra Singh Bisht Petitioner

VERSUS

Official Liquidator to
M/s.Crown Maritime (India) Ltd. Respondent

Mr.P.S.Gujar for the Applicant.

Mr.Prathamesh Kamat for the Official Liquidator.

Mr.Mahindhar Aithe, Company Prosecutor for the Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 20th JANUARY, 2017

P.C.

By this application the applicant seeks condonation of delay of 294 days in filing affidavit of claim before the Official Liquidator. I have heard learned counsel for the applicant and have also perused the averments made in support of the company application. I have heard learned Company Prosecutor. The learned Company Prosecutor has no objection if the delay of 294 days in filing affidavit of claim before the Official Liquidator is condoned. Statement is accepted.

2. On perusal of the affidavit in support of the company application I am satisfied that delay of 294 days in filing affidavit of claim is sufficiently explained. Learned counsel for the applicant states that the earlier affidavit of claim filed by the applicant before the Official Liquidator was only upto particular date. The

applicant continued to work with the respondent even thereafter. The applicant thus seeks liberty to file affidavit of claim in respect of the subsequent period and seeks condonation of delay in filing affidavit of claim for the subsequent period.

3. Company application is accordingly made absolute in terms of prayer clauses (a) and (b). It is made clear that affidavit of claim which the applicant proposes to file is in respect of the subsequent period which was not claimed in the earlier affidavit of claim which is already adjudicated upon by the Official Liquidator.

4. If the applicant proposes to challenge the adjudication of the claim already made by the Official Liquidator in respect of the earlier claim, his remedy will be to challenge the said order passed by the Official Liquidator.

5. Company application is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)