

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

SUMMARY SUIT NO.474 OF 2016

Captain Nitin Anand	...	Plaintiff
versus		
Kingfisher Airlines Ltd.	...	Defendant

Mr. Arup Dasgupta with Mr. Shray Shah i/by M/s. Jhangiani Narula and Associates,
for Plaintiff.
None for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 31st JANUARY, 2017

P.C.:

1. In view of the order dated 18th November, 2016 passed by the High Court of Karnataka at Bengaluru in Company Petition No.214 of 2012, winding up the Defendant Company under Sections 433 (e) and (f) read with Section 439 of the Companies Act, 1956 and the appointment of the Official Liquidator as Liquidator of the Defendant Company, the learned Counsel for the Plaintiff upon instructions from the Plaintiff seeks to withdraw the above Suit with liberty to institute the suit claim before the Official Liquidator so appointed and also seeks permission under Section 14 of the Limitation Act, to exclude the period spent prosecuting the Suit.

2. The above Suit is permitted to be withdrawn with liberty to institute the suit claim before the Official Liquidator of the Karnataka High Court. Dispensation under Section 14 of the Limitation Act, is granted and the Official

Liquidator is directed to exclude the period spent prosecuting the above Suit as and when the claim is lodged by the Plaintiff. The claim if so filed before the Liquidator shall be decided in accordance with law keeping in kind the above dispensation granted under Section 14 of the Limitation Act.

3. The learned Counsel for the Plaintiff informs this Court that an Appeal has been preferred by M/s. United Breweries (Holdings) Limited in the High Court of Karnataka against the order dated 18th November, 2016 being Company Appeal No.3 of 2017, which is pending before the High Court of Karnataka. Liberty is granted to the Plaintiff to institute an appropriate Application before this Court to reinstitute the above Suit to file in the event the aforesaid Appeal is allowed.

4. The Suit is disposed of in the above terms with no order as to costs. Refund of Court fees, if any as per rules.

(S.J.KATHAWALLA, J.)