

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.527 OF 2017
IN
COMPANY PETITION NO.41 OF 1986**

M/s. Luthra Textiles Pvt. Ltd.Applicant

IN THE MATTER BETWEEN :

M/s. Godfrey Philips India LimitedPetitioner

Vs.

M/s. Machinery Manufactures Corpn. Ltd. & Anr.Respondents

Mr. Govind B. Solanke for applicant.

Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 27th NOVEMBER, 2017

PC.:

1 Though served, Official Liquidator has not filed any affidavit in reply opposing the application. Mr. Aithe, Company Prosecutor for Official Liquidator states that almost 80% of the funds have been already distributed as dividend and petitioner may decide whether they should still prosecute the suit in Delhi or not.

2 In my view, it is not for the Official Liquidator to decide whether a party should prosecute the suit or not.

3 In the circumstances, for reasons mentioned in the affidavit in support, the application is allowed and accordingly disposed in terms of prayer clause – (a).

(K.R. SHRIRAM, J.)