

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

**COMPANY APPLICATION NO.552 OF 2016
IN
COMPANY PETITION NO.400 OF 2012**

M/s.IMCD Group B.V. .. Applicant

In the matter between
Videocon Industries Limited .. Petitioner
Vs.

M/s.Sharp Industries Limited .. Respondent

Mr.Amol B.Kharat i/by M/s.Pillai & Co. for the applicant.

Ms.Yogini Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 5th January 2017

P.C. :

. By this application filed under Sections 446 of the Companies Act, 1956, the applicant seeks leave to proceed against the respondent-company in summary suit (2802 of 2012) in Bombay City Civil Court at Dindoshi.

2. Learned Deputy Official Liquidator who is present is Court states that if the Court grants any leave in favour of the applicant to proceed against the respondent-company in the summary suit, the applicant shall be directed to pay cost of litigation as may be borne by the official liquidator in the said summary suit.

3. Learned counsel appearing for the applicant, on instructions, states that the applicant would pay litigation cost to the official liquidator for defending the said suit. Statement is accepted.

4. Company application is made absolute in terms of prayer clause (a). The official liquidator shall be impleaded as party-defendant to the said suit and shall be served papers and proceedings and notices from time to time in the office of the official liquidator. The applicant shall also pay cost of litigation as may be borne by the official liquidator as may be communicated to the applicant by the official liquidator within 15 days from the date of such communication.

5. It is made clear that the applicant shall not execute the decree against the official liquidator without obtaining prior permission of this Court. It is made clear that the official liquidator would be at liberty to engage an advocate for defending the said proceedings.

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

R.D. DHANUKA, J.