

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

**COMPANY APPLICATION (LODG.) NO. 491 OF 2017  
WITH  
COMPANY APPLICATION (LODG.) NO. 294 OF 2016  
IN  
COMPANY PETITION NO. 256 OF 2013**

Ms.Shruti Pravin Lunkad

.. Applicant

**In the matter between :**

M/s. Shakti International Pvt. Ltd.

.. Petitioner

Vs.

M/s. Pranav Agro Industries Pvt. Ltd.

& Ors.

.. Respondents

Mr.Sudhir Sadavarte a/w. Mr. C. M. Jadhav i/b SC Legal for applicant.

Mr.Abhishek Adke for original petitioner.

Mr. Vinod Sharma, official liquidator present.

**CORAM : K.R.SHRIRAM, J.**

**DATE : 22<sup>ND</sup> DECEMBER 2017**

**P.C.**

1 Applicant was directed to deposit the passport with the Prothonotary and Senior Master, High Court, Bombay vide order dated 8<sup>th</sup> September 2016 read with order dated 4<sup>th</sup> August 2016. From the order, it appears that applicant has played truant with the Court and nor remained present despite specific orders passed by the Court to remain present. This was the case not only of applicant but also of the other directors of the Company (In Liquidation). Applicant, after several orders passed by this Court, had

deposited her passport with the Prothonotary and Senior Master on 15<sup>th</sup> September 2016.

2 This application is taken out for return of passport to enable applicant to travel to United States of America (USA) for a medical treatment. It is stated that applicant is suffering from cancer of jaw and was operated in the year 2016 and had undergone jaw reconstruction. It is stated that applicant has been advised by one Dr. Abhijit R. Lodha, Grant Medical Foundation, Ruby Hall Clinic to take an opinion at California University (USA) for studying Genetic Mutations and Adjuvant Chemotherapy as the cancer which applicant is suffering from has high risk for reoccurrence. Application was taken out on 14<sup>th</sup> September 2017 but since the application was deficient in many aspects, the Court had directed applicant to file further affidavit of documents. Applicant has filed further documents by an additional affidavit affirmed on 9<sup>th</sup> October 2017. This Court or the official liquidator are in no position to state about the correctness of the documents annexed to the affidavit in support. The Court has to assume that applicant is making truthful statements to this Court. Mr. Sadavarte appearing for applicant assures the Court that he is satisfied that applicant has been advised to take medical treatment in USA though there is no opinion to say that such a treatment is not available in India.

4     It should also be noted that applicant had, after various orders were passed by this Court, finally submitted statement of affairs to the office of the official liquidator. On 6<sup>th</sup> December 2017, an undertaking was given on behalf of applicant that defects in the statement of affairs submitted, would be corrected within one week, still applicant did not correct the defects within one week and I am informed that yesterday, applicant has submitted reply dated 20<sup>th</sup> December 2017 to the queries raised by the official liquidator with regard to the statement of affairs filed by applicant on 30<sup>th</sup> June 2017.

5     Mr. Sadavarte states that even if in this additional affidavit of documents, there is deficiency, if any, husband of applicant Mr.Sameer Chotai, who is present in Court and is identified by Mr. Sadavarte, will ensure that all further queries raised by the official liquidator will be answered within two weeks of receiving a communication from the official liquidator. The same is accepted as an undertaking of Mr.Sameer Chotai to this Court.

6     Mr. Sadavarte further states that applicant will return to India within three months because only after receiving the passport, applicant will be in a position to fix an appointment with the doctors in USA. It is made clear that

applicant shall return to India and surrender her passport to Prothonotary and Senior Master not later than 30<sup>th</sup> March 2018. Mr.Sadavarte states that the passport of applicant's mother Smt.Aruna Pravin Lunkad is being deposited with the Prothonotary and Senior Master, High Court, Bombay as security to ensure that applicant will return to India and surrender her passport to Prothonotary and Senior Master.

7 The Prothonotary and Senior Master to accept and keep in custody, the passport of Smt. Aruna Pravin Lunkad bearing No.Z 2539640 valid upto 7<sup>th</sup> May 2023 along with old passport No.E 4513532 that expired on 30<sup>th</sup> April 2013, to be returned only upon applicant surrendering her passport with the Prothonotary and Senior Master, High Court Bombay. The Prothonotary and Senior Master to return applicant's passport only upon receiving the passport of Smt. Aruna Pravin Lunkad.

8 Company Application accordingly stands disposed.

9 All to act on a copy of this order authenticated by the Associate of this Court.

**(K.R. SHRIRAM, J.)**