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

COMPANY APPLICATION NO.1073 OF 2015
IN
COMPANY PETITION NO.253 OF 2002

Vasant N. Mudhalwadkar ...Applicant

IN THE MATTER BETWEEN :

B.I.F.R. ...Petitioner

V/s.

M/s.Jain Spinners Ltd. & Ors. ...Respondents

Mr.Sachin Chandan for the Applicant.

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

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2017.

P.C. :-

1. By this company application, the applicant seeks permission to proceed before the Labour Court at Aurangabad in I.D.A. No.08 of 2009 against the company in liquidation.

2. In my view, it would be more appropriate if the applicant files the affidavit of claim before the Official Liquidator instead of pursuing the said proceedings before the Labour Court at Aurangabad. Learned counsel appearing for the applicant is not able to make any statement as to whether his client would bear the fees

and expenses of the advocate, who may be required to be engaged by the Official Liquidator for defending such proceedings. I am thus not inclined to grant any leave to the applicant in the aforesaid circumstances.

3. It is made clear that the applicant would be at liberty to file the affidavit of claim before the Official Liquidator. If any such affidavit of claim is filed by the applicant within four weeks from today before the Official Liquidator, the Official Liquidator may consider the same on its own merits.

4. The company application is disposed of in aforesaid terms.
No order as to costs.

(R.D. DHANUKA, J.)