

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

**NOTICE OF MOTION (L) NO.2089 OF 2017
IN
APPEAL ((L) NO.388 OF 2017
IN
COMPANY PETITION NO.869 OF 2015**

Trans Freight Containers Limited

.... Applicant/
Appellant

In the matter of :

Trans Freight Containers Limited

.... Appellant/
Original Respondent

versus

Rupa Dalmia

... Respondent/
Original Petitioner

.....

- Mr.Nimay Dave a/w Mr.Shanaj Shah i/b. Bachubhai Munim & Co., Advocate for the Applicant/Appellant.
- Mr.Sachin Mandlik a/w Haabil Vahanvaty i/b. Khaitan & Co., Advocate for the Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 30th OCTOBER, 2017.**

P.C. :

1. After arguing for some time, the learned counsel for the Appellant Mr.Dave, on instructions makes a statement that, the Appellant would be satisfied if it is clarified by this Court that, the findings recorded in the impugned order, would not come in the way of the Appellant in the suit, that would be filed by the Respondent in the concerned Court.

2. In view of the said statement made by learned Counsel Mr.Dave, we clarify that the findings, if any, recorded in the impugned order, would not be an impediment for the Appellant to prosecute the suit in question by raising such defences, as are available to them in law. Needless to state that if such suit is filed, it would be tried on its own merits and in accordance with law. In the light of the aforesaid clarification, the learned counsel for the Appellant seeks withdrawal of the Appeal.
3. The Appeal is accordingly allowed to be withdrawn.
4. Time to deposit the amount of Rs.50,00,000/- as directed by the impugned order, is extended by a period of two weeks from today.
5. In view of the withdrawal of the Appeal, the Notice of Motion (L) No.2089/17 does not survive and to accordingly stand disposed of as such.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)