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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.402 OF 2017

IN

OFFICIAL LIQUIDATOR'S REPORT NO.150 OF 2016

IN

COMPANY PETITION NO.319 OF 2013

Ujjwal Chordia

..Appellant.

V/s.

M/s. Savitri Leasing and Finance Ltd. & Anr.

..Respondents.

Mr.Arif Bookwala, Senior Advocate with Ms.Shirin Shaikh i/b. Raval Shah & Co. for the Appellant.

Ms.Nishita Nambiar with Ms.Disha Ponda i/b. India Law for Respondent No.2.

Mr.Pola Raghunath, Deputy Official Liquidator present.

***CORAM: R.M. SAVANT AND
SARANG V. KOTWAL, JJ.***

DATE : NOVEMBER 14, 2017

PC.:-

The above Appeal is directed against the order dated October 5, 2017 passed by the learned Single Judge (K.R.Shriram, J.) of this Court. The said order has been passed whilst considering the Official Liquidator's report Nos.150 of 2016 and 598 of 2015. The

appellant is aggrieved by the direction contained in para 4 of the said order which direction mandates the Appellant Mrs.Ujjwal Chordia to remain present in Court and also directs her to produce photograph of her son Mr.Ashish Chordia. Pursuant to the oral directions which were issued by this Court at the hearing of the above Appeal for admission, the Appellant Mrs.Ujjwal Chordia has filed an affidavit bearing today's date i.e. November 14, 2017, to which she has annexed the photograph of her son Mr.Ashish Chordia by way of 'Exhibit-A'. She has attested the said photograph and representative of the advocate for the Appellant, Raval Shah Co., Ms.Shirin Shaikh has signed as and by way of identification. The affidavit of the appellant is sought to be supported by the affidavit of the brother of said Mr.Ashish Chordia i.e. Mr.Abhishek Chordia, who is the other son of the Appellant and who also claims to be the power of attorney of the mother i.e. the appellant herein.

2. In the said affidavit, the extent of the involvement of the Appellant in the affairs of the company have been mentioned. It is not necessary for this Court to go into the said aspect as the proceedings are pending before the learned Single Judge.

3. However, considering the fact that an affidavit is now filed

by the appellant along with Exhibit-A in which the photograph of Mr.Ashish Chordia is affixed and attested as well as identified, in our view, para 4 of the order would have to be modified to the extent that the presence of the Appellant would not be necessary tomorrow when the matter comes up before the learned Single Judge taking up the Official Liquidator's Report. In so far as identification of Mr.Ashish Chordia is concerned, the same can be done on the basis of the affidavit filed by the Appellant as well as the brother of Mr.Ashish Chordia i.e. Mr.Abhishek Chordia. However, we make it clear that the presence of the Appellant is not necessary only for tomorrow as her presence was ordered so as to produce the photograph of the said Mr.Ashish Chordia. If the presence of the appellant is required for some other purpose in future, the learned Single Judge would be free to pass appropriate orders, we do not express any opinion in that regard. By modifying the impugned order to the aforesaid extent and by observing as above, the above Appeal is disposed of.

(SARANG V. KOTWAL, J.)

(R.M.SAVANT, J.)