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

**COMPANY APPLICATION NO.1062 OF 2015
IN
COMPANY PETITION NO. 75 OF 2013**

Innovassynth Technologies (India)Ltd ..Applicant.

In the matter between

Official Liquidator of Actis Biologics Pvt. Ltd. & Ors.

ICICI Bank

Vs.

Actis Biologics Pvt.Ltd.

Mr. Mayur Khandeparkar i/b Gandhar Rikar for Applicant.

Mr. Utsav Salunke i/b Rahul Karnik for Respondent No.2.

Mr. Vinod Sharma, Official Liquidator present.

Ms. Yogini Chauhan, Dy. Official Liquidator present.

CORAM: A.S. GADKARI, J.

DATE: 23 JUNE 2017.

P.C.:

1] This is an application under Section 446(1) of the Companies Act, 1956 to proceed against the respondent-Company-Actis Biologics Pvt.Ltd. (in liquidation) who is Defendant No.3 in Suit No.2012 filed by the applicant as original plaintiff before the Civil Judge, Senior Division at Panvel.

2] The record discloses that the applicant(original plaintiff) filed a suit bearing No.83 of 2012 for cancellation of the sale deed and permanent injunction against the respondent-Company-Actis Biologics Pvt.Ltd. (in liquidation) and others in the Court of Civil Judge, Senior Division, Panvel at Panvel.

3] This Court by an Order dated 8.6.2014 allowed the petition filed by the ICICI Bank and directed the respondent-Company to be wound up.

4] In view of the above and the facts mentioned in the affidavit-in-support of the application, the application is allowed in terms of prayer clause (a) on the following conditions:

(i) The applicant shall bear/pay the necessary legal charges of the representative of the Official Liquidator or its Advocate in the proceedings before the Court of Civil Judge, Senior Division, Panvel at Panvel.

(ii) The Trial Court is directed to issue summons to the Official Liquidator and/or its representative where its presence is really necessary for production of record and shall dispense with the personal presence of the Official Liquidator in the said proceedings.

(A.S. GADKARI, J.)