

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****APPEAL NO. 41 OF 2017****IN****COMPANY APPLICATION NO. 470 OF 2015**

M/s. Satya Projects Pvt. Ltd. ...Appellant

vs.

Five Fate Infrastructure Pvt. Ltd.

and Ors.

...Respondents

Mr. S.S. Prasad a/w Mr. Karan Bhosale i/by M/s. URT & Associates for the appellant.

None for the respondents.

**CORAM : SHANTANU KEMKAR &****M.S. SONAK, JJ.****JULY 18, 2017****P.C.:**

The grievance of the appellant is that while passing the impugned order dated 17.11.2016 in Company Application No. 470 of 2015, the learned Single Judge has made various observations which may cause prejudice to the appellant at the time when the said Company Application No. 470 of 2015 will be heard and decided finally after impleadment of the parties as per the impugned order.

2. We find that this submission of the appellant is misconceived. Suffice it to say that the observations, if made by the court at the stage of deciding the application for impleadment of the parties, the same cannot be said to be conclusive finding in regard to the merits of the contention as may be raised by the parties who have been ordered

to be joined including the present appellant while deciding the said application finally.

3. In the circumstances, making it clear that the said findings recorded at the stage of deciding the application for impleadment, will not come in the way of the appellant as also the newly added respondents while deciding the said application finally.

4. With the aforesaid observations, Appeal is disposed of. All the contentions are kept open.

5. In view of the above, Notice of Motion No. 249 of 2017 also stands disposed of.

**(M.S. SONAK, J.)**

**(SHANTANU S. KEMKAR, J.)**