

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

COMPANY APPLICATION NO.343 OF 2018

IN

COMPANY PETITION NO.3 OF 2015

National Securities Clearing Corporation LimitedApplicant/Petitioner

Vs.

Prime Broking Comopany (India) LimitedRespondent

Mr. Vijayendra Purohit I/b. Manilal Kher Ambalal and Company for applicant/plaintiff in COMS/14/2016 and for defendant in COMS/2/2013. Mr. Mahendhar Aithe, Company Prosecutor for Official Liquidator and plaintiff in COMS/2/2013 and defendant in COMS/14/2016 (in liquidation).

CORAM : K.R.SHRIRAM, J.

DATE : 2nd NOVEMBER 2018

P.C.:

1 In view of the statement that was recorded on 31st October 2018, Mr. Purohit, counsel for applicant seeks leave to withdraw this company application and lodge the affidavit of proof of debt with Official Liquidator within four weeks from today.

2 Application dismissed as withdrawn.

3 Mr. Aithe, Company Prosecutor for Official Liquidator tenders a letter dated 9th August 2018 from the ex-director of the company and minutes of meeting held on 6th August 2018 in the office of Official Liquidator based on which the statement, as recorded in the order dated 31st October 2018, was made. Both these documents are taken on record and marked "X" and "X-1", respectively for identification.

4 Mr. Purohit, counsel for applicant and Mr. Aithe, representing Official Liquidator both seek leave to withdraw commercial suit no.14 of 2016 and commercial suit no.2 of 2013, respectively. Both state that even though these two suits do not form part of the assignment of this Court, they have no objection if this Court takes up both these suits and passes an order permitting withdrawal of the suits and refund of court fees, if any.

5 In the circumstances, commercial suit no.14 of 2016 and commercial suit no.2 of 2013 dismissed as withdrawn. Refund of court fees, if any, in accordance with rules. Refund of court fees in commercial suit no.2 of 2013 to be issued in favour of Official Liquidator.

6 Liberty to plaintiff in commercial suit no.14 of 2016 to lodge its affidavit of proof of debt with Official Liquidator within four weeks granted.

(K.R. SHRIRAM, J.)