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

APPEAL LODGING NO. 156 OF 2018
IN
COMPANY PETITION NO. 749 OF 2016
WITH
NOTICE OF MOTION LODGING NO. 319 OF 2018

Dazzler Confectionary Company Pvt. Ltd. .. Appellant

Vs.

Mohit Khabar Khabar .. Respondent

Mr. Nikhil Sakhardande aa/w Ms. Shubhra Paranjape i/by Law Square for
appellant.

Mr. Ahuja i/by Thakordas and Madgavkar for respondent.

CORAM: NARESH H. PATIL &
G. S. KULKARNI, JJ.

JULY 09, 2018.

P.C.

1. Heard the learned counsel for the parties. Perused the impugned
order and the record placed before us.

2. Consequent to the order passed by us on 2/4/2018, the learned
counsel for the appellant submits that an amount of Rs.80 lakhs has been

deposited in the month of April, 2018 with the Prothonotary & Senior Master.

3. In view of the statement made, as above, the respondent herein may take necessary steps consequent to the order passed by the learned Single Judge, wherein it was observed by the learned Single Judge, in para 10, as under :-

“10. Notwithstanding the above, I would still give an opportunity to the company to get out of the situation. If the company deposits sum of Rs.80,00,000/- with the Prothonotary & Senior Master, High Court, Bombay, within 4 weeks from today, the petition will stand dismissed without further reference to the court. The two weeks period for advertising the petition will commence after this four weeks period is over.”

4. In the facts of the case, we observe that the respondent is entitled to file a Suit within 12 weeks from today in respect of the subject matter. In case the Suit is filed within the stipulated period of 12 weeks, the amount of Rs.80 lakhs deposited by the appellant shall be transferred to the Suit account. The deposit of the said amount shall be subject to appropriate orders to be passed by the learned Single Judge in the proposed suit. We do not express any opinion on merits of the matter. Until further order is passed in the proceeding by the learned

Single Judge, the amount deposited be invested in a Fixed Deposit scheme with a nationalized bank. In case the respondent fails to file a Suit, then the appellant may resort to appropriate proceeding.

5. With the aforesaid observations, appeal is disposed of.

6. Notice of Motion Lodging No. 319 of 2018 does not survive and is disposed of.

(G. S. KULKARNI J.)

(NARESH H. PATIL,J.)