

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY PETITION NO. 704 OF 2016**

Neeti Bamb	.. Petitioner
Vs.	
Kimaya Fashions Pvt. Ltd.	.. Respondent

Mr.Prasad Kumar Das for petitioner.

Mr.Karan V. Thorat i/b Sanjay S. Gawde for respondent.

Ms.Neeti Bamb-petitioner present.

Mr.Pradeep Hirani, Director of respondent present.

**CORAM : K.R.SHRIRAM, J.
DATE : 26TH APRIL 2018**

P.C.

1 The parties have entered into consent terms dated 26th April 2018. The consent terms signed by petitioner, director of the respondent and their respective advocates is taken on record and marked 'X' for identification. Both counsel state that petitioner and the director of respondent-company, who have signed the consent terms, are present in Court and identify them.

2 Order in terms of the consent terms. The undertakings accepted.

In addition, the undertaking of Shri Pradeep Hirani for himself and on behalf of the other directors and the company that the cheques will be honoured on the date of presentation, is accepted. Shri Hirani is also

agreeable that if there is a default, in addition to the revival of the petition without reference to this Court, petitioner will be entitled to execute this order with the consent terms as a decree against himself, the other directors and the company is also accepted.

3 In case of default :

(a) The petition will stand revived, admitted without further reference to the Court and petitioner will be entitled to advertise the petition and the returnable date will be four weeks from the date of default.

(b) Petitioner to advertise the petition, within two weeks of default, if any, in two local newspapers, viz., (i) Free Press Journal (in English); and (ii) Navshakti (in Marathi) as also in the Maharashtra Government Gazette. Any delay in publication of the advertisement in the Maharashtra Government Gazette, and any resultant inadequacy of notice shall not invalidate such advertisement or notice and shall not constitute non-compliance with this direction or with the Companies (Court) Rules, 1959.

(c) Petitioner shall deposit Rs.15,000/- toward publication charges with the Prothonotary and Senior Master, under intimation to the Company Registrar, within a period of two weeks, failing which petition shall stand dismissed for non-prosecution without further reference to the Court. After the advertisements are issued, the balance, if any, shall be refunded to petitioner.

(d) Notice under Rule 28 of the Companies (Court) Rules, 1959 shall also be deemed to be waived.

4 As the petition is at pre-admission stage, the petition accordingly disposed.

(K.R. SHRIRAM, J.)