

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (LODG.) NO. 267 OF 2018
IN
COMPANY PETITION NO. 756 OF 2014**

Melayi Kandi Jarajan

.. Applicant

In the matter between :

Export Import Bank of India

.. Petitioner

Vs.

AHTV Sangita & Anr.

.. Respondents

Mr.S.A. Bhalwal i/b Vyas and Bhalwal for applicant.

Mr.Ajai Fernandes i/bMotiwalla and Co. for defendant no.3 in
ADMS/18/2017.

Mr.Mahindhar Aithe, company prosecutor for official liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH MAY 2018

P.C.

1 Shri Bhalwal states that he has lodged a Company Application being Company Application (Lodg.) No.267 of 2018 in Company Petition No. 756 of 2014, which is not listed today, for leave to prosecute Admiralty Suit No.18 of 2017 and to add the official liquidator of respondent No.2 as defendant no.2 in Admiralty Suit No.18 of 2017.

2 Shri Fernandes and the company prosecutor have no objection if this company application, though not listed, is taken up for hearing. Therefore,

by consent, the company application is taken up for hearing.

3 I have considered the affidavit in support. The claim of applicant is for unpaid salary/wages of a crew member who was a Chief Engineer on board vessel. For reasons mentioned therein, the company application is allowed in terms of prayer clause (a), which reads as under :-

“(a) That this Hon'ble Court may grant permission to the Applicant under Section 446 of the Companies Act, 1956 to sue Official Liquidator, High Court, Bombay appointed in Company Petition No.756 of 2014 and be made as party Respondent in place of Respondent Nos.1 and 2 to the Plaint in High Court, O.O.C.J. Admiralty Suit No.18 of 2017 as per schedule.”

4 Company Application accordingly disposed.

Notwithstanding disposal of the company application, all office objections to be removed and application to be numbered within two weeks.

(K.R. SHRIRAM, J.)