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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L)NO.236 OF 2018 IN
COMPANY PETITION NO.930 OF 2015

The Loot India Pvt. Ltd. ...Appellant
vs.
Houseful International Ltd. ...Respondent

Mr.Subhash Jha a/w Ms Sanjana Pardeshi I/b Law
Global Advocates for the appellant
Mr.Cyrus Ardeshir a/w Mr.Chetan R. Shah I/b
Mr.Rakesh Agrawal for the respondent

CORAM : A.S.OKA, &
M.S.SONAK,JJ.
DATE : AUGUST 20, 2018

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P.C.:

1 Considering the orders passed by the Division Bench of this Court after the order dated 22nd June 2018 was passed by the Prothonotary and Senior Master, this Appeal will have to be treated as pending. We clarify that the order passed by the Prothonotary and Senior Master has not become operative.

2 The learned counsel appearing for the appellant tried to make certain submissions about the legality of notice dated 26th May 2014 which is referred in paragraphs 9 and 10 of the impugned order. However, we find that the argument which is sought to be canvassed is neither reflected nor noted in the impugned order. Faced with this difficulty, the

learned counsel for the appellant seeks leave to withdraw this appeal with liberty to file appropriate proceedings before the learned Single Judge. He states that if a necessary clarification is issued by the learned Single Judge, a liberty may be granted to prefer a fresh appeal for challenging the impugned order.

3 We accept the said request. Accordingly, we dispose of the appeal as withdrawn with liberty to file an appropriate proceeding seeking clarification of the impugned order. If appropriate clarification is issued, it will be always open for the appellant to file a fresh appeal for challenging the impugned order. All contentions on merits are kept open.

(M.S.SONAK,J.)

(A.S.OKA,J.)