

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

COMPANY PETITION NO. 516 OF 2016

Reshma Manohar Dodeja	.. Petitioner
Vs.	
Vistar Metal Industries Pvt. Ltd.	.. Respondent

WITH

COMPANY PETITION NO. 556 OF 2016

Karan Manohar Dodeja	.. Petitioner
Vs.	
Vistar Metal Industries Pvt. Ltd..	.. Respondent

Ms.Kavita S. Lalwani for petitioner in both petitions.

Mr.Sandeep Ladda for respondent.

Mr.Mani Ravi, Director of respondent present in Court.

CORAM : K.R.SHRIRAM, J.

DATE : 6TH JULY 2018

P.C.

COMPANY PETITION NO. 556 OF 2016

1 The petition came to be admitted by an order dated 12th February 2018. Against this order and before the petition was advertised, respondent company filed an appeal being Appeal (Lodg.) No.182 of 2018 which was taken up for hearing on 10th April 2018. At the time of admission, the counsel for respondent-company made a statement that the company will deposit a sum of Rs.5 lakhs within three weeks. The principal amount claimed in the petition is Rs.5 lakhs. In view thereof, the order of admission was stayed. Ms. Lalwani states that the company has deposited an amount of Rs.5 lakhs with the Prothonotary and Senior Master, High Court, Bombay.

2 Therefore, in my view, nothing survives in this petition and the petition stands disposed.

3 Ms.Lalwani states plaintiff will now file a suit in the appropriate forum and this amount of Rs.5 lakhs be retained by the Prothonotary and Senior Master High Court Bombay towards security in the proposed suit to be filed.

4 Ms. Lalwani states that the suit will be filed within four weeks from today.

5 In view of this statement made by Ms. Lalwani, petition stands disposed. The amount of Rs.5 lakhs to be kept invested by the Prothonotary and Senior Master in fixed deposit with a nationalized bank to the credit of the suit to be filed by petitioner. The suit to be filed within four weeks from today and within two weeks thereafter, petitioner should inform the Prothonotary in writing that such a suit has been filed and give details of the suit so that necessary notings can be made against the investment.

If the suit is not filed within four weeks from today, respondent-company will be at liberty to apply to the Prothonotary for return of Rs.5 lakhs deposited.

6 Petition accordingly disposed.

COMPANY PETITION NO. 516 OF 2016

7 The petition came to be admitted by an order dated 12th February 2018. Against this order and before the petition was advertised, respondent company filed an appeal being Appeal (Lodg.) No.149 of 2018 which was taken up for hearing on 27th March 2018 read with the order dated 4th April 2018. At the time of admission, the counsel for respondent-company made a statement that the company will deposit a sum of Rs.5 lakhs within three weeks. The principal amount claimed in the petition is Rs.5 lakhs. In view thereof, the order of admission was stayed. Ms. Lalwani states that the company has deposited an amount of Rs.5 lakhs with the Prothonotary and Senior Master, High Court, Bombay.

8 Therefore, in my view, nothing survives in this petition and the petition stands disposed.

9 Ms.Lalwani states plaintiff will now file a suit in the appropriate forum and this amount of Rs.5 lakhs be retained by the Prothonotary and Senior Master High Court Bombay towards security in the proposed suit to be filed.

10 Ms. Lalwani states that the suit will be filed within four weeks from today.

11 In view of this statement made by Ms. Lalwani, petition stands disposed. The amount of Rs.5 lakhs to be kept invested by the Prothonotary and Senior Master in fixed deposit with a nationalized bank to the credit of the suit to be filed by petitioner. The suit to be filed within four weeks from today and within two weeks thereafter, plaintiff should inform the Prothonotary in writing that such a suit has been filed and give details of the suit so that necessary notings can be made against the investments.

If the suit is not filed within four weeks from today, respondent-company will be at liberty to apply to the Prothonotary for return of Rs.5 lakhs deposited.

12 Petition accordingly disposed.

13 Shri Ladda appearing for respondent undertakes to remove all office objections in the appeal and have both the appeals numbered within one week from today and within this period, parties will also apply for withdrawal of both the appeals before the Appeal Court.

(K.R. SHRIRAM, J.)