

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.423 OF 2018
IN
COMPANY PETITION NO.397 OF 2000**

ING Deutschland GmbH

....Applicant

Vs.

Royal Cushion Vinyl Products Limited

....Respondent

Mr. Vishal Kanade a/w. Ms. Sneha Mehta and Mr. Mahak Chheda I/b. M/s. Wadia Ghandy and Co. for applicant/petitioner.

Mr. Karl Tamboly a/w. Mr. Z.A. Jariwala and Mr. Ganesh Ambekar I/b. Thakore Jariwala and Associates for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 12th SEPTEMBER 2018

P.C.:

1 The application is basically for change of name of petitioner. Petitioner has relied upon an affidavit to which is annexed a report issued by a Lawyer as the official representative of a Notary Public. In the report, the sequence of name change has been stated. The sequence relies upon an inspection of Commercial Register of the Local Court of Frankfurt am Main as well as inspection of the Commercial Register of the Local Court of Charlottenburg.

2 Mr. Tamboly states that there is no document to support the statements made in the report and therefore, the report cannot be accepted. Mr. Tamboly further states that there is nothing in the affidavit to show why documents to support these statements in the report have not been produced. Mr. Tamboly states that his instructions are that certified copy of

those registers relied upon can be obtained and could have been filed alongwith the application. Mr. Tamboly states that his instructions are that applicant is a totally different entity from original petitioner.

3 Mr. Kanade states that the petition is still at pre-admission stage and all these contentions could be taken by Mr. Tamboly and petitioner at that stage will satisfy the Court that it was petitioner (applicant) to whom the company owes a debt.

4 Keeping open the rights and contentions of respondent to challenge petitioner's entitlement to maintain this petition and all other rights and contentions, application is allowed and accordingly disposed in terms of prayer clause – (a).

5 Amendment to be carried out and copy of the amended petition to be served within three weeks from today.

6 Mr. Kanade seeks liberty to file a further affidavit in support of the petition. Liberty granted. The affidavit to be filed and copy served within three weeks from today. Reply/further reply to be filed and copy served within one week of receiving copy of the amended petition.

7 Stand over to 15th October 2018 for admission.

Gauri
Amit
Gaekwad

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(K.R. SHRIRAM, J.)