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

APPEAL NO.683 OF 2016
IN
COMPANY PETITION NO.468 OF 2013

Kumar Motors Private Limited ... Appellant
V/s.
Innoventive Industries Limited ... Respondent

Mr. Rahul Narichania, Senior Counsel a/w Mr. Zal Andhyarujina,
Mr. Vishnu Shriram I/b. Phoenix Legal for the Appellant.

Mr. V. Tulzapurkar, Senior Counsel a/w Mr. Akshay Puranik,
Ms. Yasmin Godrej, Ms. Priyanka Deshmukh I/b. Crawford Bayley & Co.
for the Respondent.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 1st OCTOBER 2018.

P.C. :

1 The learned senior counsel appearing for the appellant seeks permission to withdraw the appeal with liberty to file appropriate proceedings before the learned Company Judge and also to prefer a fresh appeal against the impugned order, if occasion arises.

2 The prayer for grant of liberty is opposed by the learned senior counsel appearing for the respondent.

3 We do not see any difficulty in granting liberty to take out appropriate proceedings before the learned Single Judge. Even if a

liberty is granted to prefer a fresh appeal against the impugned order, all the contentions of the respondent remain open including the issue of maintainability of appeal.

4 Accordingly, we dispose of the appeal as withdrawn with liberty as prayed. All contentions of the parties and all objections of the respondents are kept open. Ad-interim relief which is operative till today is extended for a period of four weeks from today with a view to enable the appellant to take out appropriate proceedings before the Company Judge. Pending Notice of Motion does not survive and the same is disposed of accordingly.

(M.S. SONAK, J.)

(A.S.OKA, J.)