

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ADMIRALTY & VICE ADMIRALTY JURISDICTION

NOTICE OF MOTION NO.2280 OF 2019

IN

ADMIRALTY SUIT NO.2 OF 2015

Visalakshi Ramanathan Chettiar)....Applicant/Plaintiff

V/s.

M.V.Shivam and Ors.)....Defendants

Ms.Sandhya Pillai for applicant/plaintiff.

Ms.Sneha B.Pandey i/by Motiwalla and Co. for defendant no.3.

CORAM : K.R.SHRIRAM,J

DATE : 28.11.2019

P.C.:-

1. This is an application primarily for restoring the suit that came to be dismissed by an order dated 21.6.2019. On 14.11.2019 the counsel for applicant/plaintiff sought leave to file a further affidavit in support. Leave was granted and accordingly applicant has filed an additional affidavit in support affirmed on 22.11.2019.

2. Having considered both the affidavits in support and since counsel for defendant no.3 is not objecting, purely by way of indulgence, order dated 21.6.2019 is recalled. Admiralty Suit No.2 of 2015 restored to file. The undertaking of applicant's counsel that

petition for leave under 446 of the Companies Act 1956 will be filed before the High Court of Judicature at Delhi on or before 13.12.2019, is accepted.

3. On or before 18.12.2019, plaintiff shall file an affidavit confirming that application for leave under 446 of the Companies Act 1956 has been filed and also annex a copy of application and indicate therein the lodging number. If such an affidavit is not filed, this suit shall stand dismissed without further reference to this Court.

4. Notice of Motion accordingly stands disposed.

(K.R.SHRIRAM,J)