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

COMPANY APPLICATION NO.132 OF 2019
IN
COMPANY PETITION NO.488 OF 2015

Elder Pharma Employees Union & Anr. ...Applicants

IN THE MATTER BETWEEN :

Puspasen C. Jhaveri ...Petitioner

V/s.

Elder Pharmaceuticals Ltd. ...Respondent

Ms.Jane Cox i/b Ms.Karishma Rao for the Applicant.

Mr.Mahendhar Aithe, Company Prosecutor for the Official Liquidator present.

CORAM : R.D. DHANUKA, J.
DATE : 12TH DECEMBER, 2019.

P.C. :-

1. Learned counsel appearing for the applicant states that affidavit of debt has been already filed by her client with the Official Liquidator. Learned Company Prosecutor states that the claims already filed by the applicant shall be considered on its own merit by the Official Liquidator.

2. Learned Company Prosecutor states that inspite of the fact that the applicant has already filed affidavit of debt before the Official Liquidator if the applicant seeks to press the reliefs claimed in the company application, the applicant may be directed to deposit initially a sum of Rs.1,00,000/- and thereafter further amount as may

be required to be spent on defending this litigation in the pending proceedings before the Industrial Court. In view of this statement made by the learned Company Prosecutor, learned counsel for the applicant states that she would pursue the affidavit of debt filed before the Official Liquidator and seeks liberty to withdraw this company application with liberty to pursue the claims already filed before the Official Liquidator.

3. The company application is dismissed as withdrawn with liberty as prayed. There shall be no order as to costs.

(R.D. DHANUKA, J.)