

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
COMPANY APPLICATION NO.208 OF 2019  
IN  
COMPANY APPLICATION NO.686 OF 2018  
IN  
COMPANY PETITION NO.613 OF 1984

Ms. Jessica Iqbal Lukmani .....Applicant

**IN THE MATTER BETWEEN :**

M/s. Kay Kay Trading Company .....Petitioner

V/s.

The Official Liquidator High Court Bombay  
for Dynacraft Machine Company Limited  
(In Liquidation) and Ors. ....Respondents

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None for applicant.

Mr. Prateek Seksaria a/w. Mr. Saket More and Mr. Vishesh Kalra i/b. Vidhii  
Partners for respondent no.2.

Mr. Suneet K. Tyagi for respondent nos.6 & 7.

Mr. Mahendhar Aithe, Company Prosecutor present.

(at 2.30 pm)

Mr. Raghavan Sarathy i/b Thodur Law Associates for applicant.

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CORAM : K.R. SHRIRAM, J.

DATED : 19<sup>th</sup> JANUARY 2021

20<sup>th</sup> JANUARY 2021

**P.C. :**

1            This application is to recall the order dated 27<sup>th</sup> March 2019  
passed in Company Application No.686 of 2018 and to restore the said  
company application to file.

2            Applicant has filed this application as the legal heir of one  
Jessica Iqbal Lukmani. This Court, in its judgment dated 19<sup>th</sup> November  
2019 in First Appeal No.366 of 2017, has recorded a statement of  
applicant's advocates in paragraph 29 that the said Jessica Iqbal Lukmani

died on 28<sup>th</sup> August 2019. Paragraph 29 of the said judgment reads as under :

*29. The learned counsel for the respondent submits that in view of death of Ms. Jessica on 28.08.2019 nothing survives in the present proceedings.....*

3           In the circumstances, the said Jessica Iqbal Lukmani having died, even if one accepts applicant as the legal guardian of the said Jessica Iqbal Lukmani, still this application cannot survive in view of the death of said Jessica Iqbal Lukmani.

4           In any event, this Court in its judgment in First Appeal No.366 of 2017 (Supra) has set aside the order dated 10<sup>th</sup> April 2015 passed by the Bombay City Civil Court at Mumbai in Mental Health Petition No.4 of 2015 relying on which applicant claims to be the legal guardian of the said Jessica Iqbal Lukmani. Mr. Seksaria states that he has no instructions as to whether the said judgment of this Court in First Appeal No.366 of 2017 has been challenged or any stay has been obtained.

5           In the circumstances, company application stands dismissed.

**AT 2.30 PM.**

6           Mr. Sarathy appeared and sought leave to withdraw the company application. Since respondents are not present, the matter be listed for directions on 20<sup>th</sup> January 2021.

**20<sup>th</sup> JANUARY 2021**

7            Mr. Sarathy renewed his application for withdrawal with liberty to take out such applications as advised as legal heir of Jessica Iqbal Lukmani. Mr. Seksaria was very clear and he stated that the Court has already passed the order in open Court but if Mr. Sarathy wants to withdraw unconditionally without seeking any liberty, then the Court may, if it deems fit, permit withdrawal. Mr. Sarathy was not agreeable.

8            Therefore, the order passed yesterday, i.e., 19<sup>th</sup> January 2021, stands.

Gauri A.  
Gaekwad

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**(K.R. SHRIRAM, J.)**