

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

INTERIM APPLICATION NO.386 OF 2022

IN

COMPANY PETITION NO.600 OF 1997

Jagdish Meghji Nakhua

.. Applicant/Petitioner

v/s.

Official Liquidator of

Devidayal Industries Ltd. & Anr.

.. Respondents

Mr. Namrata N. Shenoy for the applicant.

Mr. Jehangir Jejeebhoy for O.L.

Mr. Datta Narayan Raul, Secretary, present.

CORAM : A. K. MENON, J.

DATED : 30TH JUNE, 2022.

P.C. :

1. By this application, the applicant seeks a direction to the 2nd respondent co-operative society housing the flat which has been purchased by the applicant to transfer share certificate in relation to the flat in question upon payment of the arrears by respondent no.1-Liquidator.
2. On behalf of the Liquidator, Mr. Jejeebhoy has tendered affidavit in reply and submitted that the Liquidator has already adjudicated the claim of the society which the Liquidator's office will pay within a period of two weeks from today. Although he

seeks leave to file a report, I am of the view that considering the affidavit annexing thereto society's certificate dated 11th May, 2022 agreeing to accept the amount adjudicated by the Liquidator, nothing further will survive for the Liquidator to file a report.

3. The Secretary and the Committee Member of the society are present, they confirm against receipt of Rs.1,02,335/- as aforesaid. The society will take steps to forthwith transfer the Share Certificate no.63 in respect of 5 shares bearing distinctive nos.311 to 315, to the name of the applicant subject to pending maintenance charges, if any.

4. In view thereof, I pass the following order;

(i) IA is made absolute in terms of prayer clause (a) subject to payment of current maintenance charges and further charges when assessed.

(ii) The society shall not demand any further arrears in view of their letter dated 11th May, 2022 copy of which is annexed at Exhibit 'D' to the reply.

(iii) IA is disposed in the above terms.

(A. K. MENON, J.)