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IN THE HIGH COURT OF BOMBAY AT GOA

**COMPANY APPLICATION NO.2 OF 2023
WITH
COMPANY APPLICATION NO.152 OF 2015**

COMPANY APPLICATION NO.2 OF 2023

FATIMA ILDA MENEZES

... APPLICANT

Versus

COSMED ANALYTICAL AND CENTRAL
SERVICES PVT. LTD. THROUGH
OFFICIAL LIQUIDATOR AND ANR

... RESPONDENTS

WITH

COMPANY APPLICATION NO.152 OF 2015

M/S.COSMED ANALYTICAL AND CENTRAL
SERVICES PVT. LTD. THROUGH
OFFICIAL LIQUIDATOR.

... APPLICANT

Versus

MS. FATIMA ILDA MENEZES AND ANR.,

... RESPONDENT

Mr. S. Sawant, Advocate for the applicant.

Ms. A. Razaq, Advocate for the respondents.

CORAM:- M. S. KARNIK, J.

DATED :- 8th June, 2023

P.C.

Heard learned counsel for the applicant and respondents.

2. This is an application for the production of a document which is a memorandum of recording oral understanding of family arrangement annexed at annexure "A".

3. Ms. Razaq, learned counsel appearing for the respondent

vehemently opposed the application. It is her submission that this document was not reflected in the list of documents that was sought to be relied upon. It is further submitted that no good reason is forthcoming as to why such a vital document has been withheld so far by the applicant. In the alternative, it is submitted without prejudice to the aforesaid objection, that in case this Court is inclined to allow the application, the applicant be saddled with exemplary costs. She further submitted that it is after the evidence of the Official Liquidator was closed, an application was moved, therefore, serious prejudice would be caused to the Official Liquidator, if such a document is allowed to be placed on record.

4. I have perused the application.

5. Considering the nature of the document which is a memorandum of oral understanding of family arrangement and which is a registered document in the office of the Sub-Registrar, Mumbai, no prejudice would be caused to the Official Liquidator, if the application is allowed by imposing appropriate costs.

6. Ms. Razaq, submitted that this being a public record of a private document, it would not be a public document in view of section 74, and therefore, the said documents cannot be said to

be in the public domain. I do not agree with the submission of Ms. Razaq. No doubt, the applicant should have been more diligent in the matter, however, it is not that the Official Liquidator cannot even be compensated with suitable costs if the application is to be allowed.

7. In such circumstances, the application for the production of additional document is allowed, subject to payment of costs of Rs.2000/-. Such costs will have to be paid by the applicant to the Official Liquidator within two weeks, without fail. Compliance report to be filed in this Court.

8. Needless to mention that the Official Liquidator will be given an opportunity to comment on the document and adduce evidence in rebuttal.

9. Application stands disposed of accordingly.

M. S. KARNIK, J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
Date: 2023.06.12 17:00:06 +05'30'