



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Company Application (CAL) No. 161 of 2003
in

Company Petition No. 5 of 1997

[In the matter of M/s. Sanjeevani Saving and Investment (India) Ltd. (in liqn.), Official Liquidator,
Nagpur **vs.** Mr. Ganpat B. Kadam through L.Rs. Smt Indutai Ganpat Kadam and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. Anjan De, Advocate for Official Liquidator along with Mr. S. D. Patil,
Official Liquidator
Mr. S. D. Sirpurkar, Advocate for non-applicant

CORAM : ANIL L. PANSARE J.

DATED : 12-07-2024

The Official Liquidator is seeking direction to the respondents to handover vacant possession of the flat bearing no. 13 admeasuring 537 sq.ft., Swalamban Cooperative Housing Society Ltd., Shivaji Nagar, Pokharan Road No. 1, Thane.

2. On previous date, following order was passed.

“Winding up petition has been filed in the year 1997. The winding up order has been passed on 11.05.1998. Learned counsel for the non applicants submits that the flat under question was purchased by their father namely Ganpat Bapurao Kadam, prior to filing present petition. The learned counsel submits that the amount of consideration of the flat under question was Rs.3,22,200/-. The entire amount has been paid on and before 02.03.1996.

Learned counsel for the non applicant has invited my attention to Official Liquidator's Report No.25/2009, which indicates that the Official Liquidator is aware of the entire transactions. Thus, according to

him, the documents, are already furnished to the Official Liquidator.

The Official Liquidator shall verify the entire record and make a statement on the next date.

Stand over to 12.07.2024.”

3. The non-applicant along with reply filed on record as Annexure R-1 has annexed copy of agreement to sale executed by the company under liquidation in favour of the non-applicant. The document is dated 7-6-1996. It shows that entire consideration amount of Rs. 3,22,200/- has been paid to the vendor company.

4. Learned counsel for the non-applicant further submits that the possession has been handed over to the non-applicant and non-applicant is residing in the flat since 1996.

5. As noted in the order dated 28-6-2024, the winding up petition has been filed in the year 1997 i.e. subsequent to the transaction having been completed between the non-applicant and the company under liquidation. In that view of the matter, it will not be permissible for the Official Liquidator to seek relief of possession of the flat under question.

6. The application is accordingly dismissed.

7. The Official Liquidator shall place on record the statement of assets and liabilities of the company under liquidation for passing further order.

8. Stand over to 19-7-2024.

(Anil L. Pansare, J.)