

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL**MUMBAI BENCH, MUMBAI****Company Petition No. 10/397-398/CLB/MB/MAH/2013**

Quorum:

Shri M.K. Shrawat

MEMBER (JUDICIAL)

In the matter of Section 397-398 of the Companies Act, 1956

BETWEEN:

Mr. Edwin Colcao & Ors.

... Petitioner

Versus

M/s Cocomar Resorts Pvt. Ltd. & Ors.

... Respondents

PETITIONERS:

1. Mr. Edwino Benedicto Antonio Colaco
2. Mrs. Ilma Colaco
3. Mrs. Floripes Almeida Coutinho

RESPONDENTS

1. M/s Cocomar Resorts Pvt. Ltd.
2. Mrs. Doura Almeida Coutinho
3. Miss. Marsha Gizelle Almeida Coutinho
4. Mrs. Delmira Pereira

PRESENT ON BEHALF OF THE PARTIES:

1. Ms. Madhupreetha. - Advocate for Petitioner(s)
i/b M/s Wadia Gandhi & Co.
2. Ms. Pooja Kothari- Advocates for Respondent(s)
i/b Federal & Rashmikan

Order

1. Ld. Counsel of both the sides are present.
2. At the out-set a Consent Decree and Consent terms (Special Civil Suit No. 123/09/I In the Court of the Ad-Hoc Addl. Senior Civil Judge South Goa, Margao(III) dated 05/12/2015) are placed on records. Ld. Advocate of the Petitioner also referred to the Para 15 of the said Decree, Relevant Portion for ready reference is reproduced as under;

MES

"15. In view of the dispute which existed the Plaintiffs have instituted company petition no. 10/2013 against the defendant given the fact that the said disputes since do not exist and have been settled in view of the settlement hereby arrived at, the Plaintiff's cease to have any interest in the company and since as a fact the company petition was filed in view of the said dispute in the family, in view of the said settlements the plaintiffs have decided to withdraw the said petition and accordingly the plaintiff undertake to this Hon'ble Court to file before the Company Law Board an application to Unconditionally withdraw the said company petition for which the Defendants shall not object."

3. Petitioner is now withdrawing the petition, hence C.P. 10 of 2013 is disposed of as withdrawn.

Dated: 08.11.2016

sd/-

Shri M.K. Shrawat
Member (Judicial)