

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

TCP. No. 77/(Goa)/2016

CA. No.

CORAM:

Present:

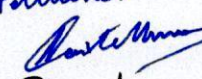
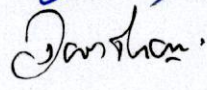
SHRI. B. S. V. PRAKASH KUMAR
MEMBER (J)

SHRI. V. NALLASENAPATHY
MEMBER (J)

ATTENDANCE - CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 21.12.2016

NAME OF THE PARTIES: Dr. Digambar S. Naik
V/s.
M/s. Vrundavan Shalby Hospitals Ltd. & Ors.

Section of the Companies Act: ~~241, 242, 243~~ of the Companies Act, 1956 and
241-242 of the Companies Act, 2013.

<u>Sr. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Signature</u>
1.	ANIYA CASTELLINO	ADVOCATE - COUNSEL	} Petitioner 
2.	BRUNO CASTELLINO	ADVOCATE	
3.	DIGAMBAR NAIK	ADVOCATE (RESPONDENT)	

Order

CP No. 77/241-242,243/NCLT/MB/GOA/2016

The Petitioner counsel mentioned this Company Petition stating that R2 group called for passing Resolutions by circulation on 22.12.2016 for suspending operations of both the Hospitals, and to take a decision over the Bungalow presently occupied by the petitioner with a malafide intention to dispossess the petitioner from where he is living.

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But, whereas erstwhile CLB finally decided and disposed of CP 18/2015 on 25.4.2016 in relation to the affairs of the company in between the petitioner group and R2 group, when 10F appeal has been filed, the Honorable High Court of Bombay at Goa stayed the order passed by CLB, therefore this Bench, in the situation like this, cannot take up further litigation in relation to the affairs of the company, for two reasons – one, the subject matter relating to the dispute is already in the seizin of the Honorable High Court, two, passing an order, though in another fresh CP on fresh cause of action, by original court in conflict of the stay granted by Honorable High court is not permissible, hence this company petition is dismissed giving liberty to the petitioner to approach appropriate forum

Accordingly, this Company Petition is dismissed.

sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)

sd/-

V. NALLASENAPATHY
Member (Technical)