

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

COMPANY APPLICATION NO.1023 OF 2007

IN

COMPANY PETITION NO.790 OF 2007

Avi-Oil India(Pvt.)Ltd. ..Applicant.

V/s.

Quantum Equipment Co. Ltd. ..Respondent.

Mr.Akshay Patil i/b. Gaurang Mehta for petitioner.

None for the respondent.

CORAM: A.M.KHANWILKAR,J**DATE : JANUARY 31, 2008.****P.C. :**

1. Counsel for the Applicant seeks to rely on material, which does form part of the record. According to him, the material will clearly show that net worth of the Respondent company has eroded. However, in my opinion, the Applicant cannot be permitted to rely on the documents, which are not part of the record. If the Applicant wants to rely on the aforesaid material, may withdraw the present Application and take out fresh application incorporating all material facts in support of the reliefs, which the applicant may pray.

2. This Application is allowed to be withdrawn

with liberty to the Applicant to take out fresh application for same or similar other reliefs, as may be advised. That application will be decided on its own merits.

3. To enable the Applicant to take out fresh application, interim arrangement ordered dated 5th October, 2007 shall continue for a period of two weeks from today.

4. Application disposed of on the above terms.

(A.M.KHANWILKAR,J)