

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
INSOLVENCY PETITION NO. 1 OF 2015

Re :

Lalit Chandrakant Burhade ... Debtor

Ex-parte :

Rupesh Anil Kolhapurkar ... Petitioning Creditor

Mr. Priyatosh R. Tiwari for the Petitioning Creditor.
None for the Debtor.

CORAM : S.J. KATHAWALLA, J.
DATED : 3RD MARCH, 2015

P.C.

1. By the above Insolvency Petition, the Petitioning Creditor – Mr. Rupesh Anil Kolhapurkar seeks an order of adjudication adjudging the above named debtor as Insolvent.

2. According to the Petitioning Creditor, a sum of Rs.5,40,000/- is due and payable by the Debtor to the Petitioning Creditor as per the statement of account, which is annexed and marked as Exhibit-A to the Petition. The Petitioning Creditor by his demand notice dated 12th October, 2014 called upon the Debtor to pay the said amount of Rs.5,40,000/- to the Petitioning Creditor. In reply thereto, the Debtor by his letter dated 20th October, 2014 (Exhibit-D to the Petition) expressed his inability to pay the debt and further stated that he has suspended the

payments to all his creditors.

3. The Petitioning Creditor therefore filed the above Petition under section 9 (1) (g) of the Presidency Towns Insolvency Act, 1909 on the ground that the Debtor has committed an act of insolvency. It is therefore submitted that the Petitioning Creditor is entitled to file the present Petition seeking the aforestated relief.

4. The Debtor has been duly served with the copy of the Insolvency Petition. Though the Debtor is represented by his Advocate, he has not filed any Affidavit in Reply. In view thereof, the submissions / allegations made in the Petition have remained uncontroverted. In view thereof, the above Petition is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) that the Debtor abovenamed viz. Mr. Lalit S/o. Chandrakant Burhade residing at Flat No. 409, Bhuvaneshwar Rahiwashi Sangh, Nanabhai Parelkar Marg, Parel (East), Mumbai – 400012 be adjudicated insolvent”.

5. The above Petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)