

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY**

NOTICE OF MOTION NO. 3 OF 2015

IN

NOTICE NO. 36 OF 2014

Re : Rajesh Jesrani ... Judgment Debtor

Ex-parte : Amardeosing Dooboree ... Judgment Creditor

ALONG WITH

NOTICE OF MOTION NO. 2 OF 2015

IN

SUMMARY SUIT NO. 1625 OF 2011

Amardeosing Dooboree ... Plaintiff

Versus

M/s. Jamna Exports & Anr. ... Defendants

Mr. J.P. Singh for Judgment Creditor.

Mr. Kausar Banatwala i/b. Tushar Goradia for Judgment Debtor.

CORAM : S.J. KATHAWALLA, J.

DATED : 3RD MARCH, 2015

P.C.

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

i. The Applicant undertakes to deposit an amount of Rs.15 Lacs with the Prothonotary and Senior Master of this Court within a period of eight weeks from today. The undertaking is accepted.

ii. Upon the Applicant depositing the said amount as undertaken,

the ex-parte decree passed by this Court dated 1st February, 2012 shall stand set aside and the Court shall within a period of four weeks thereafter hear the Summons for Judgment on merits.

iii. The amount so deposited by the Applicant shall be dealt with as per the final order passed in the Summons for Judgment.

iv. In the event of the Applicant failing to deposit the amount as undertaken, the above Notice of Motion shall stand dismissed and the Petitioning Creditor shall proceed to file a Petition seeking adjudication of the Judgment Debtor as Insolvent.

v. In view of this order, the above Notice of Motion for setting aside the ex-parte decree dated 1st February, 2012 passed in Summary Suit No. 1625 of 2011 stand disposed of.

vi. The Registry shall forthwith transfer the proceedings to the Registrar, City Civil Court, Mumbai to be placed before the appropriate Court. Thereafter, the amount of Rs. 15 Lacs deposited by the Applicant be also transferred to the Suit Account i.e. the Suit transferred to the City Civil Court, Mumbai.

(S.J. KATHAWALLA, J.)