

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
INSOLVENCY PETITION NO.3 OF 2015**

Re :

Arun Nivrutti Sankpal and Ors.

... Judgment Debtors.

Ex-Parte :

Bhagwandas Ratanchand Chhabria

... Petitioning Creditor

Mr. Bhagwandas Ratanchand Chhabria, Petitioning Creditor, present.
None for Judgment Debtors.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th MAY, 2015

PC.:

1. By the above Petition, the Petitioning Creditor has prayed for an order of adjudication against the Debtors mentioned above.
2. According to the Petitioning Creditor, under decree passed by the City Civil Court at Bombay dated 03-05-2012 in Summary Suit No.2819 of 2010, the Debtors are required to pay an amount of Rs.24,300/- to the Petitioning Creditor with further interest on Rs.15,000/- @ 9% per annum from 10-03-2014 till payment.
3. The Petitioning Creditor issued to the Debtor an Insolvency Notice being No.N/18 of 2014 dated 16-05-2014 for recovery of Rs.24,300/- which is due and payable under the decree obtained by the Petitioning Creditor against the Debtors. The said Insolvency Notice was served upon the

Debtors on 15-09-2014. The Debtors failed and neglected to pay any amount as called for or to take out any proceedings for setting aside the Insolvency Notice within the stipulated time, thereby committing an act of Insolvency on 21-10-2014.

4. The Petitioning Creditor therefore, took out the present Petition on 15-01-2015 for an order of adjudication against the Debtors mentioned above. It is submitted that the Debtors mentioned above have committed an act of Insolvency by not complying with the requisitions of the Insolvency Notice N/18 of 2014.

5. The above Petition has been served upon the Judgment Debtors on 17-04-2014 and an Affidavit proving service thereof is filed. However, the Debtors are absent today and have not filed any Affidavit-in-Reply thereto.

6. Hence, the facts narrated on behalf of the Petitioning Creditor and submissions made before the Court have remain uncontroverted. In the circumstances, the Insolvency Petition is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) This this Honourable Court may be pleased to make an order of adjudication against the Debtors”

7. The Insolvency Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)