

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
OFFICIAL ASSIGNEE'S REPORT NO.5 OF 2015
IN
INSOLVENCY RULE NISI NO.23 OF 2014
IN
INSOLVENCY PETITION NO.34 OF 2009**

Re :

Devendra Maganlal Mistry ... Insolvent

Ex-Parte :

Kantilal Bastimal Jodhavat ... Petitioning Creditor

Mr. Ramesh Jain, for Petitioning Creditor.

Mr. G.G.Ketkar, Dy. Official Assignee, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th MARCH, 2015

PC.:

1. Perused the Report filed by the Official Assignee. The Report is allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

(a) The Hon'ble Insolvency Court may dispense with the Private and public examination of the Insolvent abovenamed for want of prosecution and annul the Insolvency under Rule 136 of the Bombay Insolvency Rules, 1910 and while doing so the Insolvency Registrar may be directed to publish an advertisement about such annulment of Insolvency in Maharashtra Government Gazette;

(b) If the Insolvency Petition No.34 of 2009 is disposed off, the Official Assignee may be permitted to deduct the cost, charges, and expenses, etc., from the balance lying to the estate account of the above Insolvent and to close the above estate account for administrative purpose;

2. The above Report is accordingly disposed of. The bailable warrant of arrest issued against the Insolvent Devendra Maganlal Mistry shall stand cancelled.

(S.J.KATHAWALLA, J.)