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

**NOTICE OF MOTION (L) NO. 19 OF 2015
IN
INSOLVENCY PETITION NO.96 OF 2004**

Ramchandra S Jain	...Petitioning Creditor
VS	
Galji Laxman Gohil & Anr.	...Insolvents

None for the Petitioning Creditor
Mr Anil P Bagwe for the insolvent.
Mr M.D.Narvekar, Official Assignee present.

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**CORAM : S.C. GUPTE, J.
JULY 21, 2015**

P.C. :

This Notice of Motion is taken out by the Insolvents for annulment of an order of Adjudication that was passed on 1 February 2015 declaring them as Insolvents.

2 Mr Bagwe, learned Advocate for the Insolvents states that the Insolvents have disclosed in their schedule of assets and liabilities names of their creditors. These are the only creditors of the Insolvents. All claims of these creditors have since been duly settled by a well-wisher of the Insolvents.

3 The Official Assignee confirms that apart from the claims of the creditors, whose names are set out in the schedule of assets and liabilities of the Insolvents, there are no claims received by the Official Assignee from anyone. Since the claims of all Creditor have been settled, the order of annulment can very well be passed.

4 In view of the above, the Notice of Motion is made absolute in terms of prayer clauses (a), (b), (c) & (d) subject to the well-wisher filing an undertaking-

cum-indemnity bond with the Official Assignee undertaking to pay the claims of any creditors payable as on the date of this order but lodged subsequently with the Official Assignee. However, the Official Assignee is authorized to deduct the commission charges as per rule 180 of the “Bombay Insolvency Rules, 1910” and the well-wisher of the Applicants/ Insolvents undertakes to pay the same. The prayer clauses (a), (b), (c) & (d) of the Notice of Motion are reproduced hereunder for ready reference:

- (a) That the order of adjudication dated 1st day of February 2015 passed against the Insolvent Nos.1 and 2 viz. Mr Galji Laxman Gohil and Damayanti Galji Gohil, be annulled under Section 21(1) of Presidency Town Insolvency Act, 1909 on the ground of full payment;
- (b) That this Hon'ble Court be pleased to direct the Official Assignee, High Court, Bombay to return whatever documents and property, if any, took into possession by him to the Insolvents above-named;
- (c) That this Hon'ble Court be pleased to direct the Official Assignee, High Court, Bombay to write the necessary letters to the concerned parties, to whom if he has informed about the Insolvency of the above Debtor;
- (d) That the Public Examination of the Insolvents above-named be ordered to be dispensed with by this Hon'ble Court.

5 Notice of Motion is disposed of accordingly.

(S.C.GUPTA J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.