

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**IN INSOLVENCY****NOTICE OF MOTION NO. 15 OF 2015
IN
INSOLVENCY NOTICE NO. N/30 OF 2014**

Raphael alias Ralphy Ezekiel
alias Ezekiel Jhirad

...Applicant

In the matter between :

Raphael alias Ralphy Ezekiel alias Ezekiel Jhirad ...Judgment Debtor

Ex-parte

ORT India & Ors.

...Judgment Creditors

Mr.Vijay Upadhyay i/b. Divya Jain for Judgment Creditors.
Mr.Chandrakant N. Chavan for Judgment Debtor.

CORAM : S.C. GUPTE, J.

6 OCTOBER 2015

P.C. :

Having regard to the order passed by this Court on 7 July 2015, which *inter alia* had noted that the decree, on which the Insolvency notice was based, had been partly stayed to the extent of delivery of possession of suit premises and not in respect of past mesne profits, an application was made by the Judgment Debtor to the writ court in which the matter was pending for an appropriate clarification. By an order dated 11 August 2015, the writ court has modified the order of stay *inter alia* by extending the stay even on execution of the decree for payment of mesne profits. Such order has been passed on a deposit of Rs.22 lakhs made by the Judgment Debtor before the Court of Small Causes.

2 In view of this position, the Notice of Motion does not survive and the same is disposed of. There will be liberty to the Petitioner to press his

insolvency application after disposal of the appeal.

3 Learned Counsel for the Judgment Debtor submits that he has a counter-claim of about Rs.2.05 crores against the Judgment Creditor. All contentions of the parties in respect of this counter-claim are also kept open.

(S.C. Gupte, J.)

CERTIFICATE

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