

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

**NOTICE OF MOTION NO.11 OF 2016
IN
INSOLVENCY PETITION NO.31 OF 2005**

Anup Gunvantrai DesaiInsolvent/Applicant

V/s.

Anup Gunvantrai DesaiInsolvent
(Own Petition)

Mr.A.P.Bagwe for the insolvent.

Mr.M.D.Narvekar, Official Assignee present.

**CORAM : K.R.SHRIRAM,J
DATE : 1.3.2016**

P.C.:-

1 The official assignee states that all requisitions including payment of commission, advertisement, has been complied with by the insolvent and he has no objection if the reliefs sought for by the insolvent in prayer clauses-(a) to (e) are granted. In view thereof, Notice of Motion is disposed in terms of prayer clauses-(a) to (e) which read as under :-

(a) That the order of adjudication passed against the insolvent above-named by the Hon'ble the Insolvency Court on 13th day of December, 2005 be annulled under Section 21(1) of the Presidency Towns Insolvency Act, 1909 on the ground of full payment ;

(b) That the Public Examination, of the insolvent above-named yet not commenced, be ordered to be dispensed with by this Hon'ble Court ;

(c) That this Hon'ble Court be pleased to direct the Official Assignee, High Court, Bombay to return, whatever documents and properties, if any, took into possession by him to the insolvent above-named or the person from whom

he took the possession ;

(d) That this Hon'ble Court be pleased to direct the Official Assignee, High Court, Bombay to write necessary letters to the concerned parties, to whom he had informed about the insolvency of the above-named insolvent ;

(e) That this Hon'ble Court further be pleased to direct the Official Assignee, High Court, Bombay to refund to the insolvent above-named, the surplus amount, if any, standing to the credit of the estate account of the above-named insolvent"

2 The official assignee has also placed a report dated 25.2.2016. Having considered the same and in view of the order passed above, this report also stands disposed in terms of prayer clause-(a).

(K.R.SHRIRAM,J)