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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

RULE NISI NO. 3 OF 2016

IN

INSOLVENCY PETITION NO. 8 OF 2015

Re: Navin Gupta & Anr.

...Insolvents

Ex-parte:

Choithram Galomal Sewlani

...Petitioning Creditor

And

Official Assignee of Bombay

...Petitioner

.....

Ms. K.S. Lalwani, for the Petitioning Creditor.

Mr. M.D. Narvekar, O.A. present.

.....

CORAM : S.C. GUPTE, J.

NOVEMBER 15, 2016

P.C. :

. In this Insolvency Petition Rule Nisi has been issued against Insolvent Nos. 1 and 2 for not having attended private examination or complied with the requisition of the Official Assignee. Several attempts have been made by the Official Assignee to serve the Rule Nisi on the Insolvents. This Court has also passed several orders, including a pasting order in respect of the Rule Nisi. The Official Assignee has filed affidavits to that effect. The reports presented by the bailiff and the Office of the Official Assignee indicate that the Insolvents have refused to accept service. Before any further orders could be passed on the Rule Nisi, this Court by its order dated 4 October 2016, also directed the Official Assignee to intimate the

Insolvents of the issuance of Rule Nisi and the next date of hearing by e-mail along with the consequences of their refusal to accept notice and the likelihood of stringent orders being passed. It appears from the further report presented by the Official Assignee that the e-mail was received by Insolvent No.2 and the e-mail sent to the e-mail id of Insolvent No.1 has bounced back. None of the Insolvents is present today. It appears that the Insolvents are clearly evading service and refusing to comply with the notice of Rule Nisi. Accordingly, the Rule Nisi is made absolute and the Insolvents are directed to be committed to jail for failure to attend the private examination touching their estate and affairs before the Official Assignee and also for not complying with the requisitions of the Official Assignee and not cooperating with him in the Insolvency proceedings. The local police station is directed to assist the Official Assignee for compliance with this order. The Petitioning Creditor is directed to deposit diet charges of Rs.2000/- each to the office of the Official Assignee.

(S.C.GUPTE J.)