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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 55 OF 2016

IN

INSOLVENCY NOTICE NO. 34 OF 2016

Maxim Edward Mathias

...Applicant(Judgment Debtor)

In the matter between:

Ex-parte:

Priti Vinodchandra Mehta

...Judgment Creditor

vs.

Maxim Edward Mathias

...Judgment Debtor

.....

Mr. Punit b. Anand, for the Judgment Creditor.

Mr. Ramprakash R. Pandey, for the Judgment Debtor/Applicant.

.....

CORAM : S.C. GUPTE, J.

DECEMBER 14, 2016

P.C. :

. This Notice of Motion is taken out for recall of an Insolvency Notice. The insolvency notice is based on a judgment and decree of the Bombay City Civil Court at Bombay dated 19 July 2014 decreeing a Summary Suit against the Applicant. The Applicant's Notice of Motion, being Notice of Motion No.3401 of 2014 taken out in that suit, for setting aside the decree was conditionally allowed by the City Civil Court subject to deposit of the decretal sum of Rs.5,09,616/- within four weeks. Learned Counsel for the Respondent Judgment Creditor is agreeable to give some more time to the Applicant for deposit of this amount. The Applicant is

directed to deposit the decretal sum of Rs.5,09,616/- within eighth weeks from today. Subject to his depositing this amount, the Insolvency Notice, being Notice No.4641 of 2016 dated 11 July 2016, is recalled and set aside. Learned Counsel for the Applicant agrees for withdrawal of Notice of Motion No.1579 of 2016 for modification of the order dated 19 March 2016 in Notice of Motion No.3401 of 2014. The Applicant shall withdraw the Notice of Motion before the City Civil Court. Notice of Motion is disposed of accordingly.

(S.C.GUPTA J.)