

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.166 OF 2017
IN
NOTICE OF MOTION NO.55 OF 2016
IN
INSOLVENCY NOTICE NO.N/34 OF 2016**

Maxim Edward Mathias Appellant

versus

Priti Vinodchandra Mehta ... Respondent

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- Mr.R.R. Pandey, Advocate for the Appellant.
- Mr.P.B. Anand a/w. Mr.Siddharth Rajamohan, Advocate for the Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 06th DECEMBER, 2017.**

P.C. :

1. In terms of orders dated 31/10/2017 and 08/11/2017 the Appellant has deposited the total amount of Rs.5,09,616/- in two installments. The two receipts i.e. the receipt dated 07/11/2017 for the amount of Rs.2,54,308.00 and the receipt dated 05/12/2017 for the amount of Rs.2,55,308/- are tendered

across the bar by the learned Counsel for the Appellant. The receipts are taken on record. The receipt dated 05/12/2017 is marked as 'X' and the receipt dated 07/11/2017 is marked as 'Y' for identification. In view thereof the Appellant has deposited the decretal amount of Rs.5,09,616/- as mentioned in the impugned order dated 14/12/2016. In the light of the said deposit, Notice of Motion being No.55/16 for recall of the insolvency notice would accordingly stand allowed in terms of prayer clause (a) of the Notice of Motion which reads thus;

(a) this Hon'ble Court be pleased to recall and or to quash and set aside the Notice No.N/34 of 2016 dated 11.07.2016 issued by the the Ld. Insolvency Registrar, High Court Bombay;

2. It is expected of the Appellant that in terms of the recording made in the said order dated 14/12/2016, the Appellant would withdraw the Notice of Motion No.1579/16.

3. In view of the aforesaid, nothing remains for

consideration in the above Appeal. The same to accordingly stand disposed of.

4. If the Appellant does not withdraw the said Notice of Motion on 13/12/2017, then it would be open for the Respondent herein to move the concerned Court by giving prior notice to the Appellant and seek implementation of what has been recorded in the impugned order dated 14/12/2016.

5. The amount deposited in this Court to be transmitted to the City Civil Court forthwith and the Registrar of the City Civil Court to consider investing it in a fixed deposit of a Nationalized Bank.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)