

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

***NOTICE OF MOTION (L) NO.28 OF 2017
IN
INSOLVENCY PETITION NO.28 OF 2001***

Ravi Bansi Jaising .. Applicant
(Original Insolvent no.2)

In the matter of

Ex-Parte :

Uttamchand Devichand Shah .. Petitioning Creditor
V/s.

Bansi Jairamdas Jaising and
Ravi Bansi Jaising .. Insolvents

Mr.Simil Purohit a/w Mr.Durgesh Khandapurkar and Mr.Mantul Bajpai
i/by M/s.Juris Corp for the applicant/insolvent no.2.

Mr.A.A. Dandekar for the insolvent no.1.

Ms.K.S.Lalwani for some of the creditors.

Ms.Rhea Mehta i/by Ms.Dipal Mehta for the insolvent no.2 in petition
no.82 of 2002.

Ms.K.A. Shah for official assignee.

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

CORAM : R.D. DHANUKA, J.

DATE : 2nd May 2017

P.C. :

. Learned counsel appearing for Mr. Avinash Jaising who is one of the insolvents in another matter seeks time to intervene in this notice of motion and states that her client is not served with the papers and proceedings of this notice of motion. Application for adjournment is opposed by Mr.Purohit, learned counsel for the applicant (insolvent no.2) on the ground that Mr.Avinash Jaising is not concerned with the

reliefs claimed by the applicant in this notice of motion. He submits that no relief is claimed against him.

2. In my view, since the applicant in this notice of motion does not seek any reliefs against Mr.Avinash Jaising, he is not entitled to the service of the papers and proceedings of this notice of motion for hearing. Application made by Mr.Avinash Jaising is accordingly rejected.

3. By this notice of motion, the applicant seeks permission to travel to United Kingdom, Switzerland and France in the first week of June, 2017 for a period of 30 days for the reasons recorded in the affidavit-in-support of the notice of motion.

4. Mr.Purohit, learned counsel appearing for the applicant invited my attention to the averments made in the affidavit-in-support of the notice of motion and states that the applicant would be required to accompany his wife and their sons as set out in the affidavit-in-support of the notice of motion. Learned counsel, on instructions, states that his client is ready and willing to submit indemnity bond of well wisher of the insolvent. He submits that wife of the applicant is not insolvent and is going to bear the expenses for visiting countries mentioned in the affidavit-in-support including for ticket, accommodation etc. for the applicant and his family. His client agrees to furnish the names and addresses of the hotels where he would be staying on this visit in advance to the official assignee. He states that his client would furnish a list of his relatives to whom he may visit abroad and their addresses and contact numbers to the official assignee within one week from today.

Statement made by the learned counsel for the applicant is accepted as and by way of an undertaking to this Court.

5. In the affidavit-in-support of the notice of motion, the applicant has agreed to provide the official assignee with his detailed itinerary of travel including where he will stay, his local contact numbers and exact dates of travel including which Universities he shall be visiting with his sons and wife. He has also given an undertaking to return to India latest by 30th June 2017 and that he will not apply for citizenship or residency in another country.

6. Learned counsel for the applicant, on instructions, further undertakes not to apply for any professional assignment as mentioned in the affidavit-in-support in notice of motion. He states that the applicant does not have any other passport other than the passport deposited with the official assignee. Statements made in the affidavit-in-support of the notice of motion are accepted as and by way of an undertaking to this Court.

7. In view of various undertakings rendered in the affidavit-in-support of the notice of motion and rendered across the bar by the learned counsel for the applicant, I am inclined to consider and grant the prayer clauses (a) and (b). It is ordered accordingly. The applicant shall return the original passport to the official assignee within 48 hours of his return to India. It is made clear that no further extension would be granted to the applicant to stay abroad. The undertaking rendered by the applicant before this Court on 3rd September 2002 is modified to this

limited extent only for the limited purposes permitting the applicant to visit abroad till 30th June 2017. The original passport shall be handed over to the applicant upon furnishing the indemnity bond of the well wisher immediately. The official assignee is permitted to release the payment of professional charges of the learned counsel for the official assignee from the interest on the income received from the estate of the insolvents.

8. Notice of motion is disposed of in aforesaid terms. No order as to costs. Parties as well as the official assignee to act on the authenticated copy of this order.

R.D. DHANUKA, J.