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

**NOTICE OF MOTION NO. 6 OF 2017
IN
INSOLVENCY PETITION NO. 6 OF 1984**

State Bank of India
Vs.
Srinivas Trimbak Kale & Ors.

**WITH
OFFICIAL ASSIGNEE REPORT NO. 7 OF 2017
NOTICE OF MOTION NO. 6 OF 2017
IN
INSOLVENCY PETITION NO. 6 OF 1984**

State Bank of India
Vs.
Srinivas Trimbak Kale & Ors.

Mr. Anil P. Bagwe for Petitioning Creditor.
Mr. M.D. Narvekar, Official Assignee present.
Mrs. C.J. Bhatt, Dy.Official Assignee present.

CORAM: A.S. GADKARI, J.

DATE: 20 JUNE 2017.

P.C.:

1] The present notice of motion is taken out by the legal heirs of the debtor-Shrinivas Trimbak Kale (deceased) for annulment of Orders dated 15.10.1985 and 5.11.1985 passed against the debtor under Section

21(1) of the Presidency Towns Insolvency Act, 1909 on the ground of full payment to the creditor.

2] The applicants are the legal heirs of the deceased Shrinivasa Trimbak Kale. It is stated in the affidavit in support of the notice of motion that, the applicants have settled all the dues/liabilities of the debtors with the creditors and as of today there are no dues which are liable to be paid to any of the creditors. It is further stated that the applicants have deposited necessary and requisite amount with the office of the Official Assignee and it is sufficient for payment of all dues of the creditors.

3] The Official Assignee has also conceded the facts mentioned as mentioned above.

In view thereof, the notice of motion is allowed in terms of prayer clauses (a), (b), (c), (d), (e) and (g).

4] As far as Official Assignee Report No.7 of 2017 is concerned, the amount of Rs.9,73,990/- is due and payable by the debtor to the Pune Municipal Corporation towards arrears of property tax. The legal heirs of the debtors have deposited necessary amount as stated hereinabove. The learned Counsel for the applicant Nos.5 to 7 namely Vivek Kale, Dilip Kale and Veena Patki respectively has no objection for allowing the report of the Official Assignee.

5] In view thereof, the report of the Official Assignee is allowed in terms of prayer clauses (a) and (b).

6] It is, however, made clear that the legal heirs of deceased namely Vivek Kale, Dilip Kale and Veena Patki shall make good the deficit amount, if claimed by the Pune Municipal Corporation in addition to amount mentioned in the report after release of the property. They will also continue to pay the property tax of the Corporation without causing any liability on the office of the Official Assignee, Mumbai.

(A.S. GADKARI, J.)