

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

**NOTICE OF MOTION NO.61 OF 2016
IN
INSOLVENCY PETITION NO.18 OF 2012**

Ragini Vijay Bhatkhande .. Applicant/Insolvent

In the matter between

Ragini Vijay Bhatkhande .. Insolvent

Ex-Parte :

M/s.Otarmal Kanditlal & Co. .. Petitioning Creditor

Mr.Anil P. Bagwe for the insolvent.

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

CORAM : R.D. DHANUKA, J.

DATE : 7th February 2017

P.C. :

. By this notice of motion the applicant/insolvent seeks annulment of order of adjudication passed by this Court on 5th March 2013 and for other reliefs.

2. I have perused the affidavit-in-support of the notice of motion and I have heard the learned Official Assignee. It is not in dispute that the insolvent has already paid 3% commission of Rs.17,500/- on Rs.5,71,995/- on 27th January 2017 and has also submitted the original payment receipt of Kantilal Jodhavat of Rs.1,20,000/- & M/s.Otarmal Kantilal & Co. of Rs.2,00,000/- on 27th January 2017. The insolvent has also submitted an Undertaking-cum-Indemnity Bond on 27th January 2017. The insolvent has also filed a copy of affidavit of service of notice

of motion upon the Petitioning Creditor and the claimant on 27th January 2017.

3. Learned Official Assignee states that all the requisitions of the Official Assignee are complied with by the insolvent.

4. None appears for the Petitioning Creditor. I am satisfied that the applicant/insolvent has made out a case for annulment of order of adjudication passed by this Court on 5th March 2013 and other reliefs.

5. Notice of motion is accordingly made absolute in terms of prayer clauses (a) to (e). No order as to costs. b

R.D. DHANUKA, J.