

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

INSOLVENCY PETITION NO.18 OF 2017

WITH

NOTICE OF MOTION NO.4 OF 2018

IN

INSOLVENCY PETITION NO.18 OF 2017

Dr. Ramila A. Sanghvi

....Petitioning Creditor

V/s.

K.K.B. Properties & Anr.

....Judgment Debtors

Mr. Mikhail Behl a/w. Ms. Madhuri Nalluri and Mr. Sachin Kudalkar i/b. Madekar and Co. for petitioning creditor.

None for judgment debtor.

CORAM : K.R.SHRIRAM, J.

DATE : 17th APRIL, 2018

PC.:

1 Petition has been filed to declare judgment debtor no.2 – Atul Bora, who is the partner of judgment debtor no.1 – K.K.B. Properties, as insolvent.

2 Petitioning creditor has a decree in her favour against judgment debtor no.1, a partnership firm and judgment debtor no.2, who is the partner of judgment debtor no.1 firm. A copy of the decree dated 19th January, 2017 passed in summons for judgment no.60 of 2016 in summary suit no.424 of 2016 is annexed to the petition.

3 Mr. Behl states that the insolvency notice was served on judgment debtors on 28th June, 2017. Petition subsequently has also been

served. The counsel relies upon an affidavit of one Sushil Yelve affirmed on 24th November, 2017 confirming service of the petition upon judgment debtors. From the affidavit, it appears that the service was effected on or about 14th November, 2017. Despite service, nobody has entered appearance on behalf of judgment debtors, let alone filed an affidavit in reply opposing the petition. Therefore, none of the averments in the petition are controverted.

4 Therefore, petition is allowed in terms of prayer clause – (a) which reads as under :

“(a) an order of adjudication of Insolvency may be made by this Hon'ble Court against debtors abovenamed.”

5 Petition accordingly stands disposed. All interim applications also accordingly stand disposed.

(K.R. SHRIRAM, J.)