

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

**INSOLVENCY PETITION NO.2 OF 2018**

Ramesh Kimatram Gianani .....Petitioning Creditor

V/s.

M/s. Lata Silk Mills & Ors. ....Judgment Debtors

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Mr. Armaan Grewal i/b. N.N. Vaishnawa and Co. for petitioning creditor.

Mr. D.J. Ghyal i/b. Mr. Anil P. Bagwe for judgment debtors.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 17<sup>th</sup> APRIL, 2018**

**P.C.:**

1           On 20<sup>th</sup> February, 2018, Mr. Bagwe, counsel appearing for judgment debtors gave an undertaking to file Vakalatnama. Vakalatnama has been filed but the petition itself was served upon judgment debtors before 20<sup>th</sup> February, 2018. Mr. Grewal states that it was served on 6<sup>th</sup>/7<sup>th</sup> February, 2018.

2           More than two months have passed since then and no affidavit in reply opposing the petition has been filed. Mr. Ghyal, advocate instructed by Mr. Bagwe states that Mr. Bagwe is in personal difficulty but has no answer as to why no reply has been filed. Mr. Ghyal states that it is a fresh matter. I do not understand the meaning and there is nothing in law or in the rule books which states that reply has to be filed only when the matter becomes stale.

3           Therefore, since no reply has been filed and none of the averments in the petition are controverted, the petition has to be allowed and is hereby allowed in terms of prayer clause – (a) which reads as under :

“(a) That an order adjudicating debtors as insolvents may be passed and they may be adjudicated as insolvents.”

4           Petition accordingly stands disposed.

**(K.R. SHRIRAM, J.)**