

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

INSOLVENCY PETITION NO.9 OF 2018

K. Amishkumar Trading Pvt. Ltd.Petitioning Creditor

V/s.

Devi Prasad Steel & Services LLP & Ors.Judgment Debtors

Ms. Gayatri Sharma a/w. Ms. Poonam Gupta i/b. M/s. S.K. Srivastav and Co.
for petitioning creditor.

CORAM : K.R.SHRIRAM, J.

DATE : 17th APRIL, 2018

P.C.:

1 Petition has been filed on the basis that petitioning creditor has an ex-parte decree dated 26th September, 2016, which has not been satisfied and that despite serving the insolvency notice, judgment debtors did not pay the decretal amounts.

2 The counsel for petitioning creditor is relying upon a joint affidavit of service of one S.M. Khopatkar and Mandar Patil affirmed on 17th March, 2018. It appears from the affidavit that judgment debtor nos.1 and 2 were served on 9th March, 2018 and judgment debtor no.3 was served on 15th March, 2018. Nobody has entered appearance for judgment debtors and today nobody is present for judgment debtors and no reply is filed opposing the petition. Therefore, none of the averments in the petition are controverted.

3 In the circumstances, 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.”

4 Petition accordingly stands disposed.

5 The Official Assignee to take necessary steps in accordance with the law and procedure and to invest the amount so realized from the estate of the Insolvents/Insolvents Firms with any Nationalized Banks as per circular issued by the Office of the Prothonotary and Senior Master.

(K.R. SHRIRAM, J.)