

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN INSOLVENCY JURISDICTION**

**NOTICE OF MOTION NO.10 OF 2018
IN
INSOLVENCY PETITION NO.8 OF 2015**

Naveenkumar Gupta)....Applicant

IN THE MATTER BETWEEN :

Choithram Sewlani)....Pet.Creditor
V/s.

Naveenkumar Gupta & Anr.)....Judgment Debtors
V/s.

Official Assignee)....Respondent no.1

And

Ramesh Gianani)....Respondent no.2

Mr.Saket Ketkar for the applicant.

Mr.Arman Gerwal i/by N.N.Vaishnawa & Co. for claimant.

Mrs.S.A.Pagedar, 1st Assistant to Official Assignee present.

CORAM : K.R.SHRIRAM,J

DATE : 9.3.2018

P.C.:-

1 Heard the counsel for the applicant.

2 The amount claimed by respondent no.2 is Rs.2,50,000/- which has been disputed by the applicant. The amount has also been deposited way back in November-2017 with the Official Assignee. Therefore, the order impugned in this Notice of Motion is set aside and the office of Official Assignee is directed to re-consider the rival submissions and adjudicate in accordance with law.

3 If respondent no.2 wishes to cross-examine the applicant, he may do so. Counsel for the applicant undertakes and assures this Court that the applicant shall remain present on the date and time fixed by the Official Assignee and will not seek any adjournment on any grounds whatsoever. Official Assignee may close the evidence if the applicant does not turn up at the time and date fixed for whatever reason. Official Assignee to complete the process within 2 months from today.

Notice of Motion stands disposed accordingly.

(K.R.SHRIRAM,J)