

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

**NOTICE OF MOTION NO. 28 OF 2018
IN
INSOLVENCY PETITION NO. 10 OF 2018**

Mr. Arun Kumar Tuli

... Judgement Debtor/
Insolvent Applicant

In the matter between :

Re. : Mr.Arun Kumar Tuli

....Judgement Debtor/Insolvent
Applicant

Vs.

Exparte :

Miss Damyanti Tejumal Hasrajani

....Judgement Creditor

Mrs.Rimpy Tuli for insolvent.

Mr.E.B.Shivkumar, Deputy Official Assignee present.

Arun Kumar Tuli-Insolvent present.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH SEPTEMBER, 2018

P.C.:

1 This application is for annulment of adjudication on the ground that the petitioning creditor was the only creditor, there are no other creditor and all the debts of the insolvent/applicant has been paid in full. Applicant has made these averments in the affidavit in support.

2 The Deputy Official Assignee states that the office of the official assignee has not received any claim from any party other than the petitioning creditor. The Deputy Official Assignee further states that the commission payable to the official assignee has also been paid and there is

no objection for the reliefs as prayed for is granted.

3 In view of above, the averments made by the insolvent that all his debts are paid in full and in view of the statement made by the Deputy Official Assignee that there are no other claims apart from the petitioning creditor, in my view, the prayer as prayed for annulling the adjudication can be granted. Notice of motion, therefore, allowed in terms of prayer clauses (a), (b) and (c) which read as under :-

(a) Order of adjudication dated 5th July 2016 passed in Insolvency Petition No.10 of 2016 against the Insolvents above named, be annulled under the provisions of Section 21(1) of the Presidency Towns Insolvency Act on the ground of full payment.

(b) The Public and private examination of the insolvent be dispensed with.

(c) That the official assignee be directed to restore insolvent to the position as existed prior to passing of the order of adjudication, inter-alia, by returning to insolvent all papers, records, documents, properties etc. received or collected pursuant to the order of adjudication dated 5th July 2016 in Insolvency Petition No.10 of 2016."

4 Applicant to pay a sum of Rs.50,000/- as donation to Chief Ministers Distress Relief Fund, Account Number : 67319948232, Bank : State Bank of India, Branch : City Branch, Thiruvananthapuram, IFSC : SBIN0070028, PAN : AAAGD0584M, Account Type : Savings, SWIFT CODE :SBININBBT08. Proof of payment to be submitted to the official assignee within one week from today and only thereafter this order shall come into effect.

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Notice of motion stands disposed accordingly.

(K.R.SHRIRAM, J.)

Shraddha
Kamlesh
Talekar

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Shraddha
Kamlesh
Talekar
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