

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

INSOLVENCY PETITION NO.19 OF 2017

Shree Sai Steel Industries (India) Pvt. Ltd.Petitioning Creditor

V/s.

Prakash R. Gandhi

....Judgment Debtor

Mr. Girish B. Kedia for petitioning creditor.

None for judgment debtor.

CORAM : K.R.SHRIRAM, J.

DATE : 17th APRIL, 2018

PC.:

1 After petitioning creditor obtained a decree against judgment debtor from the Bombay City Civil Court at Bombay in summary suit no.1405 of 2014, as judgment debtor did not pay the decretal amount, insolvency notice was issued to judgment debtor. In response, judgment debtor took out a notice of motion no.47 of 2017 to set aside the insolvency notice. The said notice of motion came to be dismissed by an order dated 3rd October, 2017.

2 Thereafter, the present petition was taken out. A copy of the said petition has been served on judgment debtor on 21st November, 2017 as stated in the affidavit of service of one Sandeep Ganar affirmed on 29th November, 2017.

3 No affidavit in reply opposing the petition has been filed. Therefore, none of the averments in the petition are controverted. Judgment

debtor also is not present in Court on call and is unrepresented today.

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

“(a) As order of adjudication may be made by this Hon'ble Court against debtor.”

5 Petition accordingly stands disposed.

6 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.)