

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

**NOTICE OF MOTION NO.84 OF 2010
IN
INSOLVENCY PETITION NO.106 OF 2006**

Ahmed Mazhar Moufti	Applicant/Petitioning creditor
Vs.	
Deepakkumar V. Ranglani and Anr.	Insolvents
And	
The Official Assignee, High Court, Bombay	Respondent

Mr. Shailesh Shah, senior advocate a/w. Mr. V.J. Mehta and Mr. Y.S. Shukla I/b. Divyakant Mehta and Associates for petitioning creditor/applicant.
Mr. Ravish Mishra a/w. Mr. Shreyas Lavekar I/b. Mr. Vijay Dhingreja for respondent no.5.
Mr. E.B. Shivkumar, Deputy Official Assignee present.
Mr. Dileepkumar P. Ranglani, respondent no.5 present.

**CORAM : K.R.SHRIRAM, J.
DATE : 30th OCTOBER 2018**

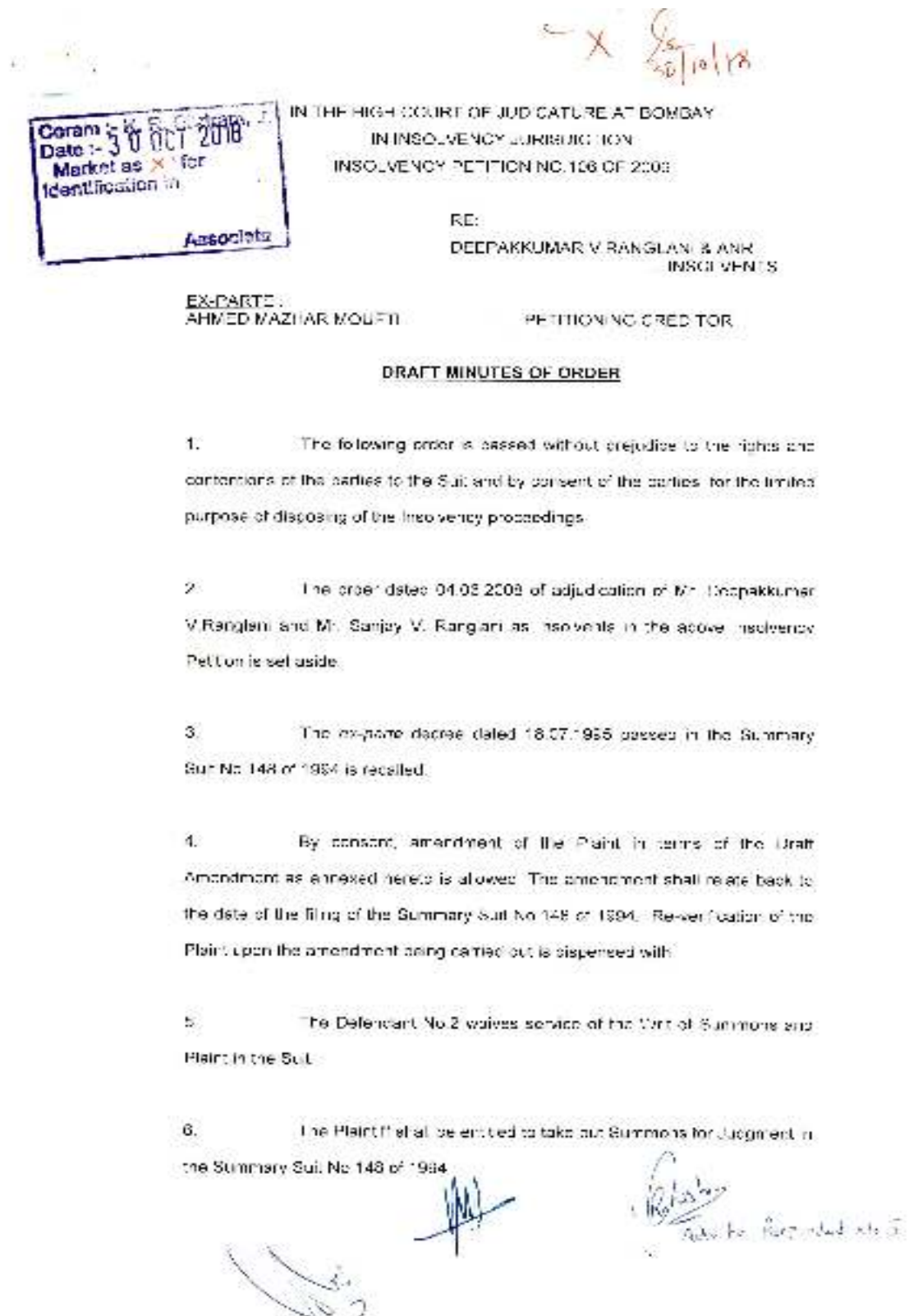
P.C.:

1 Parties have tendered draft minutes or order dated 30th October 2018 which is taken on record and marked "X" for identification. Order in terms of the minutes or order.

2 All insolvency proceedings including Official Assignee's Report dated 26th February 2014 stands disposed.

3 Mr. Shah for petitioning creditor and Mr. Mishra for respondent no.5 state that they will pay a sum of Rs.10,000/- each as costs to the office of Official Assignee within one week from today. Statement accepted. Official Assignee may utilise this money towards office administrative expenses.

4 For ease of reference a scanned copy of the minutes of order is reproduced hereinbelow :



7. All the Insolvency proceedings including the Official Assignee's Report dated 26.02.2014, stand disposed off in view of this order.

Mumbai dated this 30th day of October, 2018.



Advocates for Plaintiff



Mr. Deelip Parasram Ranglani



Advocate for Mr. Deelip Parasram Ranglani



DRAFT AMENDMENT

I. Whereabouts of the Defendant No.1 in the cause title of the Plaintiff in Summary Suit No.148 of 1994 be added with the following:

"and having present address C/o. its one of the Partners Mr.Dealip Parasram Ranglani at Flat No.803, 8th Floor, Glamour Glen CHS Ltd - Videcon Icon Plot No.100, Dr. Ambedkar Road, Bandra (West), Mumbai - 400 050"

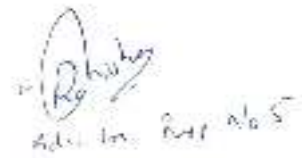
II. The name and whereabouts of the Defendant No.2 in the cause title of the Plaintiff in Summary Suit No.148 of 1994 be deleted and substituted with the following:

2. Mr.Deelip Parasram Ranglani)
 @ Mr.Deepakkumar V. Ranglani)
 Adult, Indian Inhabitant, presently aged)
 about 66 years, having address at the)
 relevant time at Guru Darshan, 14th)
 Road, Khar, Bombay 400 052)
 and presently residing at Flat No.803,)
 8th Floor, Glamour Glen CHS Ltd,)
 Videcon Icon Plot No.100,)
 Dr. Ambedkar Road, Bandra (West))
 Mumbai - 400 050)

III. The name and whereabouts of the Defendant No.3 in the cause title of the Plaintiff in Summary Suit No.148 of 1994 be deleted and substituted with the following:

3. Mr.Sanjay Parasram Ranglani)
 @ Mr.Sanjay V. Ranglani @ Romi)
 Adult, Indian Inhabitant, presently aged)
 about 57 years, having address at the)





relevant time at Guru Darshan, 14th)
 Road, Khar, Mumbai - 400 052, and)
 also at 15/5, Rajendra Nagar Old,)
 New Delhi, and to be served in the)
 present proceedings also at the)
 address C/o. the Defendant No.2 i.e.)
 at Flat No.803, 8th Floor, Glamour Glen)
 CHS Ltd., Videocon Icon Plot No.100,)
 Dr. Ambedkar Road, Bandra (West),)
 Mumbai - 400 050)

IV. Add the following after the existing para 1 of the Plaint as Para 1A.

1A. The Plaintiff says that at the time of loan transaction, the Defendant Nos 2 and 3 had introduced themselves as Deepakkumar V. Ranglani and Sanjay V. Ranglani respectively, and hence the Suit was filed by arraigning them as Defendant Nos.2 and 3 in the Suit by those names. This Hon'ble Court was pleased to Decree the above Suit Ex-parte vide its Order and Judgment dated 18.07.1995. Based on the above Decree, the Plaintiff had initiated the Insolvency Proceedings by taking out Insolvency Notice No.N/224 of 2005, and the consequent Insolvency Petition No.106 of 2006 for declaration of the Defendant Nos.2 and 3 as Insolvents, which Insolvency Petition came to be made absolute by this Hon'ble Court (Coram: His Lordship Mr.Justice A.M. Khanwilkar) vide an order dated 04.03.2008. In the above Insolvency Proceedings the Plaintiff had taken out Notice of Motion No.84 of 2010 for certain directions, whereat the Defendant No.2 claimed that he is Deelip Parasram Ranglani and not Deepakkumar V. Ranglani. Despite the above stance adopted by the Defendant No.2, the Plaintiff states and submits that according to the Plaintiff, the Defendant No.2 and Mr.Deelip Parasram Ranglani are one and the same person. The Plaintiff further says and submits that the Defendant Nos.2 and 3 are the real brothers having the same parents, however, the said fact was also denied by the Defendant No.2 in the above Insolvency Proceedings. Thus, in the course of above Insolvency Proceedings, it was realized that even the Defendant No.3's correct name was Sanjay Parasram Ranglani @ Romi and not Sanjay V.


 Plaintiff

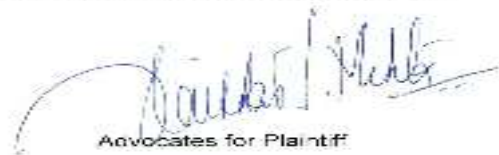


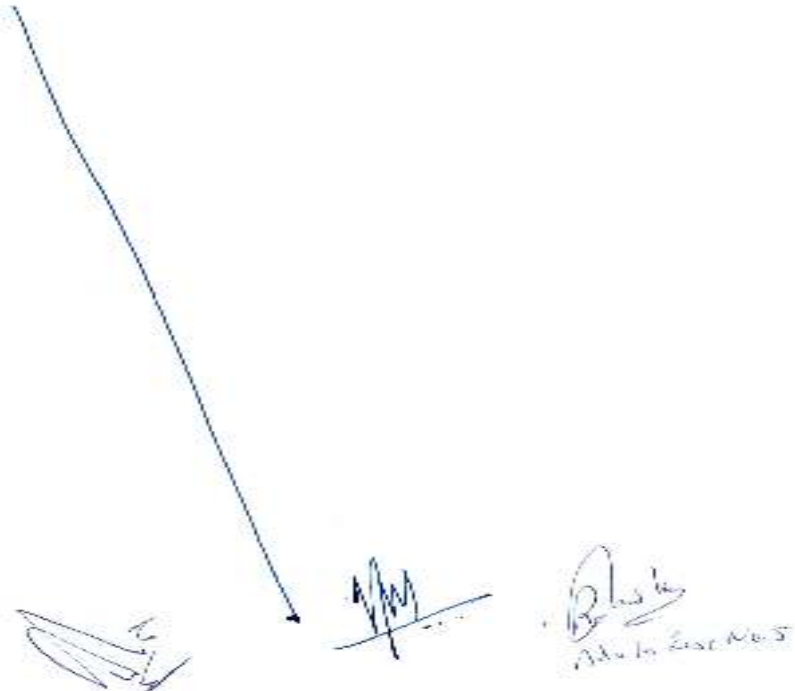


Ranglani as described in the Plaint. In view of the above, the Plaint was allowed to be amended in terms of the Draft Amendment annexed to the Consent Minutes of Order dated 30.10.2018 passed by His Lordship Mr Justice Shriram, whereby even the Insolvency Proceedings were disposed off. While carrying out the above amendment, the Defendant Nos.2 and 3 have been described by the names that now appear to be the correct ones as well as by the original names with which they had introduced themselves to the Plaintiff. Thus, the present Suit stood revived with the above amendment being carried out with retrospective effect from the date of the institution of the Suit.

v

All other consequential amendments be permitted to be carried out.


Advocates for Plaintiff



5 Mr. Shah states that the advocate on record Mr. Divyakant Mehta shall file an affidavit confirming that he has instructions from petitioning creditor to apply for amendment of the plaint as per the draft annexed to the draft minutes of order. Mr. Shah states that the affidavit will

be filed within one week from today. Statement accepted.

6 Amendment to be carried out and copy of the amended plaint to be served within three weeks from today.

7 Official Assignee to return the original passport to respondent no.5 – Mr. Dileepkumar P. Ranglani.

8 Summary suit no.148 of 1994 is restored to file. Mr. Mishra states that he shall file Vakalatnama on behalf of defendant no.2 in the summary suit under advise to plaintiff's advocates within three weeks from today. The statement of plaintiff that they shall take out summons for judgment within four weeks from today is accepted. If plaintiff has taken refund of court fees, then that amount has to be deposited with Prothonotary and Senior Master within six weeks from today.

(K.R. SHRIRAM, J.)