

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**IN INSOLVENCY**  
**NOTICE OF MOTION (L) NO. 3 OF 2019**  
**IN**  
**INSOLVENCY PETITION NO. 28 OF 2001**

Uttamchand Devichand Shah

... Petitioning  
Creditor

*Versus*

Re: Bansi Jairamdas Jaising & Ravi B Jaising

...Defendant

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**Mr Beni Chatterjee, Senior Advocate, with Mr Suresh Kumar, for**  
*Income Tax Department.*

**Ms Sonam Shethia, i/b Juris Corp, for Insolvent No.2 in the Notice of**  
*Motion (L) No. 3 of 2019.*

**Mr EB Shivkumar, Deputy Official Assignee present.**

**Mrs SA Pagedar, Ist Assistant to Official Assignee present.**

**Mr Arju Garodia, for JCIT 17 (2), Mumbai.**

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**CORAM: G.S. PATEL, J**

**DATED: 30th January 2019**

**PC:-**

1. Insolvent No. 2 once again desires to travel overseas, this time for 17 days from 13th February 2019 to 1st March 2019. The Affidavit in Support of this Notice says that this is to accompany his younger son Karan to universities in the United Kingdom, Switzerland and Italy for admission into a Masters' program. There is a detailed itinerary set out in the Affidavit in Support at page 9.

There is an undertaking in paragraph 10 which I will accept as an undertaking to the Court. The undertaking in paragraph 10 is set out below:

"10. I undertake to this Hon'ble Court that I will return to India latest by 1st March 2019 and that I will not apply for citizenship or residency in another country. I also undertake that I will return the passport with the Official Assignee within two (2) working days of my return to India."

2. Having regard to these circumstances and for the reasons set out in the Affidavit in Support of the Notice of Motion, there will be an order on the Notice of Motion in terms of prayer clauses (a) and (b), subject to the undertaking contained in paragraph 10 and set out above, as also the following:

- (a) The Insolvent/Applicant to submit an indemnity bond/surety of the solvent well-wisher indemnifying the Official Assignee in the format required by the Official Assignee.
- (b) The wife of the Insolvent/Applicant to file an undertaking recording that she is bearing the entire expenditure of the travel of the Applicant, such as for tickets, lodging and boarding, etc.
- (c) The Insolvent/Applicant to file an undertaking stating that he will not apply for or take up any professional work or assignment during his period of travel.

3. The Insolvent/Applicant has already provide full details of the itinerary of his entire travel program in his affidavit.
4. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

**(G. S. PATEL, J)**