

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

**INSOLVENCY RULE NISI NO.1 OF 2019
IN
INSOLVENCY PETITION NO.93 OF 2006
WITH
NOTICE OF MOTION NO.22 OF 2019
IN
INSOLVENCY PETITION NO.93 OF 2006
WITH
OFFICIAL ASSIGNEE'S REPORT NO.11 OF 2019
IN
INSOLVENCY PETITION NO.93 OF 2006**

SICOM Limited

...Petitioning Creditor

vs.

Rajkumar Govil And Ors.

...Insolvents/Respondents

.....

Mr. Tejas Vora, i/b. Nikita Hingoo, for the Applicants in Notice of Motion No.22 of 2019.

Mr. Ashutosh Singh, for Insolvent No.9.

Mr. M.D. Narvekar, O.A. present.

Mr. E.B. Sivakumar, Deputy O.A. present.

.....

CORAM : S.C. GUPTE, J.

DATE: 19 NOVEMBER 2019

P.C.:

. Rule Nisi has been issued against the Insolvents for failure to attend private examination and for non-cooperation with the Official Assignee in the insolvency proceedings. The Insolvents have filed a reply to the Rule Nisi offering to cooperate with the Official Assignee. The Official Assignee, who is present in Court, confirms that

the Insolvents are now attending the proceedings before him and have filed an affidavit in response to the requisition of private examination. The Official Assignee submits that further requisition has been made on the Insolvents to file a further affidavit. Learned Counsel appearing for the Respondents submits that a further affidavit will be duly filed in accordance with this requisition. This statement is accepted by the Official Assignee. In the circumstances, the Rule Nisi is discharged.

2. The Official Assignee has filed a report (Report No.11 of 2019) for nullity of a Declaration-cum-Confirmation dated 5 April 2007 between the Insolvent Mrs. Helen Sunil Shah in respect of Flat No.3, Ground Floor, Building No.B/6, Nau-Saurakshan Co-operative Housing Society Ltd., Navy Colony, Mamlatdarwadi, Malad (West), 400 004. The third party Applicant has replied to this report and has also taken out a notice of motion claiming to be a bonafide purchaser of the property for value and without notice. The Official Assignee seeks time to file a reply to the notice of motion and also rejoinder, if any, to the report in response to the reply of the third party Applicant.

3. Let all pleadings be completed before the next date. Stand over to 7 January 2020 at 3.00 p.m.