

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

**NOTICE OF MOTION NO. 19 OF 2019
IN
INSOLVENCY PETITION NO. 1 OF 2018**

Anil Bhagwandas Budharani ... Applicant/Insolvent No.2

In the matter of

M/s. Radhika – Tex & Ors. ... Insolvents

Ex-Parte :

Ramesh Kimatram Gianani ... Petitioning Creditor

Mr. A.P. Bagwe for the Insolvents.

Mr. Armaan Grewal i/b N.N. Vaishnawa & Co. for the Petitioning Creditor.

Mr. M.D. Narvekar, Official Assignee, present.

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

CORAM : R.I. CHAGLA, J.

DATED : 20th AUGUST, 2019.

P.C. :

1 This Notice of Motion has been taken out for annulment of the order of adjudication of insolvency dated 17.04.2018 on the ground of full payment. It is stated that the Applicant through their well wisher has paid the creditor in full and final satisfaction, as well as an undertaking has been furnished by the well wisher to the Official Assignee for payment of

such sum, if any, claimed by the creditor on or before the date of annulment of the said order of adjudication made against the Insolvent. There is no opposition to the Notice of Motion filed for annulment of the insolvency. The Petitioning Creditor also represented by the learned Counsel does not object to the Notice of Motion being allowed.

2 The Notice of Motion is accordingly made absolute in terms of prayer clauses (a) and (b).

3 The amount which has been deposited by the well wisher of insolvent which is the sum of Rs.53,433/- shall be allowed to be utilized by the Official Assignee towards his office administrative expenses.

4 Accordingly, Notice of Motion is disposed of.

(R.I. CHAGLA, J.)