

jsn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN SOLVENCY**

**OFFICIAL ASSIGNEE REPORT NO.21 OF 2016
IN
INSOLVENCY PETITION NO.82 OF 2002
WITH
NOTICE OF MOTION (L) NO.23 OF 2019**

Ravi Bansi Jaising	... Applicant / Ori. Insolvent No.2
<i>In the matter between</i>	
Uttamchand Devichand Shah	... Petitioning Creditor
V/s.	
Bansi Jairamdas Jaising and Ravi Bansi Jaisingh	... Insolvents

Ms. Rhea Mehta I/b Ms Dipal Mehta for Insolvent No.1.
Sonam Shethia I/b Crawford Bayley and Co. for Insolvent No.2.
Kavita Shah for Official Assignee.
Mr. M.D. Narvekar, O.A present.
Mr. E.B. Shivkumar, Deputy O.A. present.
Ms. S.A. Pagedhar, 1st Assistant O.A. present.

CORAM:	R. I. CHAGLA, J.
DATE:	18TH JUNE, 2019

PC:-

1. This is an application preferred by the Insolvent No.2 for permission to travel to Maldives for a total period of 10 days starting from 21st June, 2019 to 30th June, 2019. The Affidavit in support of the Notice of Motion states that he is married to Mrs. Monisha Jaising and that expenses in relation to travel, stay and other ancillary expenses shall be funded by his wife Mrs. Monisha

Jaising and her Company Azzura International. It is stated that this Court had granted permission to Insolvent No.2 to travel out of country vide order dated 24th August, 2017 passed in Notice of Motion No.45 of 2017. Further, the Insolvent No.2 was permitted to once again travel by order of this Court dated 15th November, 2017 in Notice of Motion (L) No.53 of 2017. The Insolvent No.2 has stated in the Affidavit that he has never misused any liberties and / or the availability of passport in his possession. He has stated that he has complied with all directions contained in the said orders including compliances prior to the date of travel viz. furnishing of (a) Undertaking, (b) Indemnity Bond and (c) detailed travel itinerary. Insolvent No.2 has stated that permission is required to travel for a period of 10 days for accompanying the family for a vacation. He has annexed the copy of the air ticket, tentative itinerary is also set out in paragraph 8 of the Affidavit in Support as well as in paragraph 9 the address at which the Insolvent No.2 will reside is mentioned. Further, in paragraph 12 of the Affidavit in Support an undertaking is given to this Court as under:-

“12. I undertake to this Hon'ble Court that I will return to Mumbai latest by 30th June, 2019. I also undertake that I will return the passport to the Official Assignee within 48 hours of my return to Mumbai.”

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 clause (a), subject to the undertaking contained in paragraph 12 set out above, as also the following:-

- i) The Insolvent / Applicant No.2 to submit an indemnity bond / surety of the solvent well-wisher indemnifying the Official Assignee in the format required by the Official Assignee.
- ii) 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.
- iii) 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.
- iv) The Insolvent / Applicant has already provide full details of the itinerary of his entire travel program in his Affidavit.
- v) The Insolvent / applicant shall further undertake not to apply for any professional assignment in any of the location during his stay at travel.
- vi) The Notice of Motion is disposed of in these terms.

vii) The above terms shall be complied with on or before
19th June, 2019.

(R I. CHAGLA, J.)