

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS INSOLVENCY DIVISION**

**MISC. PETITION NO. 1 OF 2019
IN
INSOLVENCY PETITION NO. 36 OF 2000**

Burzin Kali Mistry & Anr. ... Petitioners

In the matter of
Simplex Enterprises & Ors. ... Insolvents

Ex-parte :
Rasiklal D. Shah ... Sub. Petitioning Creditor
And
The Official Assignee of Bombay ... Respondent

Mr. A.P. Bagwe for the Petitioners.
Mr. E.B. Shivkumar, Deputy Official Assignee, present.

CORAM : R.I. CHAGLA, J.

DATED : 3rd SEPTEMBER, 2019.

P.C. :

1 This Miscellaneous Petition has been taken out in Insolvency Petition No.36 of 2000 seeking leave of this Court to join the Official Assignee as assignee of the estate and effects of the Insolvent No.2 as party Defendant in RAD Suit No.1148 of 2011 filed by the Petitioners and pending in the Small Causes Court at Mumbai.

2 Considering that Insolvent No.2 is the Defendant in RAD Suit No.1148 of 2011, it would be appropriate to permit the Petitioners to join the Official Assignee as an assignee of the estate and effects of the Insolvent as party Defendant in RAD Suit No.1148 of 2011 filed by the Petitioners in the Small Causes Court at Mumbai. Accordingly, Miscellaneous Petition is made absolute in terms of prayer clause (a).

3 Misc. Petition is disposed of in the above terms.

(R.I. CHAGLA, J.)