

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INSOLVENCY PETITION NO.20 OF 2019**

Re :

Krishna Fashion World and Ors. ... Debtors

Ex-Parte :

Sunil Kanayalal Rochlani ... Petitioning Creditor

Ms. K.S.Lalwani, for Petitioning Creditor.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th NOVEMBER, 2019

P.C.:

1. By the above Petition, the Petitioning Creditor has prayed for an order of adjudication against the debtors mentioned above.
2. According to the Petitioning Creditor, under the decree passed by the City Civil Court dated 17th January, 2019 in Summary Suit No.531 of 2018, the debtors are indebted to the Petitioning Creditor an amount of Rs.8,60,834.25.
3. The Petitioning Creditor issued to the debtors an Insolvency Notice being No.N/34 of 2019 dated 18th April, 2019 for recovery of the said amount which is due and payable under the decree obtained by the Petitioning Creditor against the Debtors. The said Insolvency Notices were duly served upon the Debtor Nos.1 and 2 on 7th May, 2019 and on Debtor No.3 on 2nd May, 2019. The Debtors have failed and neglected to pay any amount as called for or to take out any proceedings for setting aside the Insolvency Notice within the stipulated time, thereby committed an act of

insolvency on 12th June, 2019 and 7th June, 2019 respectively.

4. The Petitioning Creditor therefore, took out the present Insolvency Petition on 9th July, 2019 for an order of adjudication against the Debtors mentioned above. It is submitted that the debtors mentioned above committed an act of insolvency by not complying with the requisitions of the Insolvency Notice No.N/34 of 2019.

5. The above Insolvency Petition has been duly served upon the judgment debtors and an Affidavit proving service thereof dated 14th October, 2019 is on record. However, the debtors are absent today and have not filed any Affidavit in Reply thereto. Hence, the facts narrated on behalf of the Petitioning Creditor and the submissions made before the Court on his behalf have remained uncontroverted. In the circumstances, the Petition is allowed in terms of prayer clauses (a), (b) and (c) which are reproduced hereunder :

- “(a) that this Honourable Court may be pleased to pass an order of adjudication against the debtors abovenamed;
- (b) that this Honourable Court may be pleased to pass such further orders and directions as may be deemed fit from preventing the assets of the debtors from becoming non-available to the creditors generally;
- (c) for costs of and relating to the petition including the publication costs for order of adjudication prayed for herein;”

6. The Insolvency Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)