

Jsn

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

**NOTICE OF MOTION (L) NO.34 OF 2019
IN
INSOLVENCY PETITION NO. 101 OF 1975**

Anant Machinery Pvt. Ltd.	... Applicant
<i>In the matter between</i>	
Anant Machinnery Pvt. Ltd.	... Applicant
Vs.	
The Official Assignee, High Court, Bombay & Ors.	... Respondents

Dr. Birendra Saraf with Siddhesh Bhole, Niyati Shah & Krupashree Sawant I/b. Siddhesh Bhole in Notice of Motion No.16 of 2019.
Mr. Y.V. Divekar, with Sayali Gharpure I/b. M/s. Divekar & Co. for Anant Machinery Pvt. Ltd. for Notice of Motion (L) No.34 of 2019.
Mr. M.D. Narvekar, Official Assignee present.
Mr. E.B. Shivkumar, Deputy Official Assignee present.

CORAM:	R. I. CHAGLA, J.
DATE:	17TH SEPTEMBER, 2019

PC:-

1. This Notice of Motion has been mentioned by the learned Counsel for the Applicant. Although, it is not on board, it is taken on board by consent of the parties.
2. This Notice of Motion seeks cancellation of transfer orders effected in respect of Plot Nos.3B and 3 (part) situated at D1, D1 Block, Pimpri Chinchvad Industrial Area, Chinchavad, Pune 411

019 (“the said property”) after 21st September, 1976 and restore the position of the said plots as on the said date. Further relief has been sought by way of injunction restraining Respondent Nos. 2 to 7 from transferring, selling, alienating, creating third and parting with possession in respect of the said property to any person except the Applicant and further relief is sought that Respondent Nos.2 to 5 be directed to handover possession of the said property.

2. This Application cannot be entertained as there is no claim lodged by the Applicant before Official Assignee. In any event, the Applicant has filed a substantive Suit in the District Court, Pune in respect of the same subject matter which is being adjudicated against the Respondent Nos.2 to 7. The relief which is being sought by way of this Notice of Motion can be sought against the Respondents before the District Court, Pune.

3. Accordingly, the Notice of Motion is dismissed with no order as to costs. All contentions of the parties are kept open.

(R I. CHAGLA, J.)