

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

**NOTICE OF MOTION (L) NO. 35 OF 2019
IN
INSOLVENCY PETITION NO. 28 OF 2001**

Ravi Bansi Jaising	...	Applicant (Insolvent No.2)
--------------------	-----	-------------------------------

In the matter of

Bansi Jairamdas Jaising & Anr.	...	Insolvents
--------------------------------	-----	------------

Ex-parte :

Uttamchand Devichand Shah	...	Petitioning Creditor
---------------------------	-----	----------------------

And

The Official Assignee of Bombay	...	Respondent
---------------------------------	-----	------------

Ms. Sonam Shethia i/b Juris Corp. for insolvent No.2.

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

Mr. Chetan Kapadia a/w Sonam Shethia i/b M/s. Crawford Bayley & Co.
for Insolvent No.2.

CORAM : R.I. CHAGLA, J.

DATED : 3rd SEPTEMBER, 2019.

P.C. :

1 This application has been preferred seeking permission for Insolvent No.2 to travel to Dubai and London for a total period of 21 days starting from 15.09.2019 to 05.10.2019 as the Insolvent No.2 wishes to accompany his wife to assist her in exploring opportunities with respect to

her fashion business. This application further seeks to modify and/or alter the order dated 06.08.2019 passed by this Court which had granted permission to Insolvent No.2 to travel to the places mentioned therein. However, the Insolvent No.2 could not travel due to the critical health of his mother-in-law, who has thereafter passed away.

2 Considering that by an order dated 06.08.2019 this Court permitted the Applicant (Insolvent No.2) to travel to Dubai, London, Copenhagen and New York for a period of 37 days starting from 17.08.2019 to 22.09.2019, it would be appropriate for the same reasons to grant this application.

3 The learned Counsel for the Applicant states that a detailed travel itinerary is set out in paragraph 10 of the affidavit in support of the application. He further states that in the past the insolvent No.2 has complied with the undertakings given to this Court and has never misused any liberties and/or the availability of his passport in his possession. All directions contained in the orders which have been passed previously, including compliances prior to the date of travel viz. a) furnishing of the undertaking b) indemnity bond and c) detailed travel itinerary has been complied with. In paragraph 15 of the affidavit in support of the application, the Applicant has furnished an undertaking to this Court which

reads as under :

“I undertake to this Hon’ble Court that I will return to Mumbai latest by 5th October 2019. I also undertake that I will return the passport to the Official Assignee within 48 hours of my return to Mumbai.”

4 I am satisfied with the averments made in the affidavit in support of the Notice of Motion and in view thereof, there will be an order in terms of prayer clauses (a) and (b) subject to the following :

- i) The Insolvent / Applicant No.2 to submit an indemnity bond/ surety of the solvent well-wisher in the sum of Rs.10 lakhs as and by way of 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 above terms shall be complied with on or before 05.09.2019.
- vii) The Notice of Motion is disposed of in these terms.

(R.I. CHAGLA, J.)