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

**NOTICE OF MOTION NO.7 OF 2019  
IN  
INSOLVENCY NOTICE NO.18 OF 2018**

Pradeep Mishra

... Applicants /  
Judg. Debtor

Vs.

Mansukhlal Vithaldas Mashru

... Respondents /  
Judg. Creditor

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Mr. Manoj Agre, i/b. Girish Kedia for Judg. Creditor.

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**CORAM: R. I. CHAGLA, J.**  
**DATE: 1ST OCTOBER, 2019**

**PC:-**

1. None appears for the Judgment Debtors.
2. The Notice of Motion has been taken out for setting aside the Insolvency Notice No.18 of 2018 dated 30th July, 2018. An exparte decree had been passed on 6th February, 2018. A letter had been tendered by the learned Counsel for the Judgment Creditor which is dated 1st January, 2017 in which the Judgment Debtor through their Advocate wherein they have admitted their liability of payment of Rs.3,74,151/- payable to the Judgment Creditor.

3. Considering that none appears for the Judgment Debtor despite the Notice of Motion having been filed way back on 4th September, 2018 and that the Judgment Debtor has not filed any Notice of Motion challenging the exparte decree before the City Civil Court, Bombay, the Notice of Motion is required to be dismissed.
4. It is noted that the Insolvency Petition has already been taken out by the Judgment Creditor. The Insolvency Petition appears on lodging number. The Judgment Creditors are directed to remove the office objections and upon removal of office objection the Insolvency Petition shall be placed on 5th November, 2019.
5. The Notice of Motion is dismissed with no order as to costs.

**( R I. CHAGLA, J. )**