

Sharayu Khot.

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

INSOLVENCY PETITION NO. 33 OF 2018

Lachmibai Hassanand Rohra

**...Petitioning
Creditor**

Versus

Bluplast Corporation & Ors.

...Debtors

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

CORAM : R.I. CHAGLA J.

DATE : 04 June 2019

ORDER :

1. Heard the learned Counsel for the Petitioning Creditor. The joint Affidavit of Service has been filed by the Bailiff and Shri. Satish Rohra, Representative of the Petitioning Creditor dated 31st January 2019 evidencing service upon the Judgment-Debtor. The Judgment-Debtors No. 1 to 3 have been

served on 3rd January 2019 and the Judgment-Debtor No. 4 on 25th January 2019.

2. The Petitioning Creditor has an exparte decree passed in his favour by the City Civil Court at Mumbai dated 9th April 2018 in Summary Suit No. 1483 of 2017 for a sum of Rs. 3,93,480.41 and further interest on Rs. 3,00,000/- at the rate of 18% per annum from 14th June 2018 till payment.

3. The Insolvency Notice having been served, the Judgment-Debtor has neither complied with the said Insolvency Notice nor taken out Notice of Motion to set aside the notice before the expiry of the period of 35 days. Hence, the Judgment-Debtors have committed an act of insolvency on 25th August 2018.

4. Accordingly, I pass the following order:-

(i) Petition is allowed in terms of prayer clauses (a)

and (c).

(ii) The Official Assignee is hereby appointed of the properties of the Insolvent wherever situated which shall vest in the Official Assignee and shall become divisible amongst the Petitioning Creditor.

(iii) The Official Assignee also to take necessary steps in accordance with the Circular dated 14th October 2011 issued by Ministry of Finance, Department of Revenue (Central Board of Direct Taxes), New Delhi and to invest the amount so realised from the Insolvent with any of the Nationalised Banks.

[R.I. CHAGLA J.]