

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

**INSOLVENCY RULE NISI NO. 5 OF 2019
IN
INSOLVENCY PETITION NO. 22 OF 2015**

Dilip Lakhamshi Khona

...Insolvent

.....

None present.

Mr. K.K. Trivedi, O.A. present.

Mr. E.B. Sivakumar, Deputy O.A. present.

.....

**CORAM : S.C. GUPTE, J.
DATE: JANUARY 07, 2020**

P.C.:

This insolvency petition is a debtor's petition, filed by one Dilip Lakhamshi Khona. As noted by this Court in its order dated 17th December, 2019, the Report of the Official Assignee (OAR No. 27 of 2019) indicates that despite scheduling of several meetings for private examination of the Insolvent, the Insolvent had consistently remained absent. As noted in that order, atleast 10 separate dates were fixed for private examination, none of which was attended by the Insolvent. Even Rule Nisi could not be served on the Insolvent, since he was not found at the address given by him in his petition; even persons living with him earlier could not reveal his whereabouts. On these facts, the insolvency petition, together with the OAR, was adjourned to today's date with a view to give one last opportunity to the Insolvent, making it clear that final orders on the insolvency petition would be passed on the next date in case the Insolvent chooses to remain absent on the next date. The

Insolvent is absent even today. The insolvency petition is, in the premises, dismissed and the order of adjudication is discharged. In view of the discharge of adjudication and dismissal of the insolvency petition, Rule Nisi is also discharged. Amount of Rs. 1913 lying to the credit of the insolvency account shall be transferred to the office expenses account and utilized accordingly.

(S.C.GUPTE, J.)