

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

**INSOLVENCY RULE NISI NO. 6 OF 2019
IN
INSOLVENCY PETITION NO. 30 OF 2018**

Harshad S. Mehta and Anr.	.. Insolvents
Ex-parte	
Ashok Mohansing Bajaj	.. Petitioning Creditor
And	
The Official Assignee of Bombay	.. Respondent

**WITH
NOTICE OF MOTION (SUITS) (L) NO. 9934 OF 2023**

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Ms. K. S. Lalwani for the Petitioning Creditor.
Mr. Anil Bagwe a/w. Ms. Krutika Valunje for the Insolvent.
Ms. M. R. Parkar, I. R. Present.
Mr. Arun Kesarkar, Deputy O.A. a/w. Mr. Subodh Patil, 1st Asst.
O.A. Present.

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CORAM : KAMAL KHATA, J.

DATED : 16TH JUNE 2023.

P.C. :

1. Notice of Motion (L) No. 9934 of 2023 in Insolvency Petition
No. 30 of 2018 seeks the following relief in terms of prayer clauses

(a) to (c) which reads as under:

- (a) *That the order of adjudication passed against the Insolvent No.2 above named viz. Richa Harshad Mehta, by the Hon'ble the Insolvency Court on 19th day of March, 2019 may be annulled under Section 21(1) of the Presidency Towns Insolvency Act, 1909 on the ground of full payment;*
- (b) *That the Public Examination, of the Insolvent No. 2 above-named, yet not commenced, be ordered to be dispensed with by this Hon'ble Court;*

(c) *That this Hon'ble Court be pleased to direct the Official Assignee, High Court, Bombay to write necessary letters to the concerned parties, to whom he had informed about the Insolvency of the above-named Insolvents."*

2. The learned counsel for the Petitioning Creditor states that she has no objection for proceeding against respondent no.2. The Official Assignee has brought to my attention to the receipt issued by the M/s. Finvest Corporation in the sum of Rs. 5,00,000/- as well as the undertaking cum indemnity bond issued by Nihari Harshal Mehta dated 5th August 2022 who is the well-wisher of the insolvent. The Official Assignee has also tendered his report which recorded the aforesaid settlement. The well-wisher of the insolvent to pay 3% of the official assignee commission on the settled claim amount as per rule of Presidency Towns Insolvency Act, 1909.

3. Notice of motion is absolute in terms of prayer clauses (a), (b) and (c).

4. In view of the disposal of the notice of motion, Rule Nisi is discharged.

5. Parties to act on authenticated copy of this order.

(KAMAL KHATA, J.)