

Kavita S.J.

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

INSOLVENCY PETITION NO.1 of 2025

Mehul Jagdish Trivedi

...Petitioner (Debtor)

Versus

Manisha Mehul Trivedi

...Respondent (Creditor)

Ms. C.J. Bhatt, Official Assignee a/w Mr. Subodh Patil, Deputy
Official Assignee & Mr. D.B. Iswalkar, 1st Assistant, Official Assignee
present.

Mrs. Rekha Rane, Insolvency Registrar present.

Siddha Pamecha i/b Kuber Wagle for the Petitioner (Debtor).

CORAM : R.I. CHAGLA, J.

DATED : 15TH JULY, 2025.

ORDER :

1. The Insolvency Petition has been placed under the
caption 'for Dismissal' in view of none appearing for the Petitioner on
the prior dates. Today, learned Counsel appears for the Petitioner.
Accordingly, the matter is removed from caption of dismissal.

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2. This is an Insolvency Petition filed by the Petitioner
(Debtor) for declaring himself as Insolvent. The mere filing of the

Insolvency Petition is an act of insolvency as per settled law and the provision of Section 10 of the Presidency Towns Insolvency Rules, 1910. Further, Section 14 of the Presidency Towns Insolvency Rules, either of the three conditions is required to be satisfied by the Petitioning Debtor. The Insolvency Registrar shall determine whether the Petitioning Creditor meets with either of the requirements in Section 14 of the said Act for being adjudicated as an Insolvent.

3. The learned Counsel appearing for the objector has sought for vacation of the ad-interim Order dated 9th June, 2023, wherein this Court had directed that no coercive steps shall be taken against the Debtor till the next date of hearing and which was thereafter modified by the subsequent Order dated 12th September, 2023 to the extent that the Petitioning Debtor will pay an amount of Rs.10,000/- per month to his wife.

4. The learned Counsel for the objector has referred to Section 45 of the Presidency Towns Insolvency Rules which provides for the effect of order of discharge and that the order of discharge does not release the Insolvent from any liability under order for maintenance under Section 488 of the Code of Criminal Procedure, 1973 (“Cr.PC.”) which is equivalent to Section 125 of Cr.PC. He has

submitted that the ad-interim Order dated 9th June, 2023 requires to be further modified in that the words, “no coercive steps to be taken against the Debtor” shall not come in the way of the proceedings filed under Section 125 of the Cr.P.C. and under the Domestic Violence Act before the Family Court at Bandra, Mumbai.

5. Considering the provisions of the Act and in particular, Section 45 of the Presidency Towns Insolvency Rules, the ad-interim order requires to be modified to the extent that the words “no coercive steps to be taken against the Debtor” shall not apply to the aforementioned proceedings against the Debtor pending before the Family Court and the hearing in those proceedings may continue.

6. The Insolvency Petition No.1 of 2025 shall be placed before the Insolvency Registrar for examination.

[R.I. CHAGLA, J.]