

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INSOLVENCY PETITION NO. 1 OF 2025**

Mehul Jagdish Trivedi

..... Petitioner/Debtor
(Own Petition)

Before : Insolvency Registrar,
High Court, Bombay.

Date : 1st October, 2025 at 3.30 p. m.

Present: Mehul J. Trivedi, Petitioner/Debtor present in person.

Shri. Kuber Wagle, Advocate for Petitioner/Debtor.

CALLED FOR PRELIMINARY EXAMINATION :

Perused the order passed by the Hon'ble Court dated 15th July, 2025 (Coram: R. I. Chagla J.) and the directions passed by the Hon'ble Court which reads as under :

“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.”

The Petitioning Debtor abovenamed has been examined as to the genuinity of Debtor's statement in the Petition. Hence, his preliminary examination closed.

After perusal of the petition as well as documents submitted by the Petitioning Debtor and the provisions of Section 14 which reads as under:

14. Conditions on which debtor may petition.

- [(1)] [The original section 14 was renumbered as sub-section (1) of that section by Insolvency (Amendment) Act. 1927(11 of 1927), section 2.] A debtor shall not be entitled to present an insolvency petition unless-

(a)his debts amount to five hundred rupees, or

(b)he has been arrested and imprisoned in execution of the decree of any Court for the payment of money, or

(c)an order of attachment in execution of such a decree has been made and is subsisting against his property.

(2)[A debtor in respect of whom an order of adjudication, whether made under this Act or under the Provincial Insolvency Act, 1920 (5 of 1920), has been annulled owing to his failure to apply or to prosecute an application for his discharge shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.] [Added by by Insolvency (Amendment) Act. 1927(11 of 1927), section 2.]

As per the provisions of Section 14, in the present Petition, Petitioner came before the Hon'ble Court with the case that, Petitioning Debtor may be adjudicated as an Insolvent, as his wife Mrs. Manisha Mehul Trivedi has filed a Petition Bearing No. E-252 of 2021 and the Petitioning Debtor is not able to satisfy with the decree which is passed by the Family Court, Bandra, Mumbai and thus, the provision of Section 125 of Criminal

Procedure Code, 1973, directing the Petitioning Debtor to pay a maintenance @ Rs.25,000/-. The Petitioning Debtor to support his case has filed two additional Affidavits. The Petitioning Debtor has filed additional affidavit dated 11th August, 2023 and as a compliance affidavit as per the direction of Court filed on 23rd July 2025 and affidavit dated 21st August 2025. The Petitioning Debtor has produced the documents which are showing his income per month around Rs.15000/- and he has submitted the documents in his additional affidavit dated 21st August 2025 showing the details of 21 students and the fees which are received from them along with the entries of his saving bank account. Petitioning Debtor is having his saving bank account with State Bank Of India. He has also filed Income Tax Returns for the year 2020-21 and 2022-23, 2023-24.

During the preliminary examination of the Petitioning Debtor, he mentioned that, he doesn't have any other source of income and he is a dance teacher. He has also in his preliminary examination submitted that, he has received amounts from few family friends who satisfied the arrears of maintenance as per order dated 17th May 2021, the chart is given below :

Sr. No.	Date	Borrowed from	Amount (in Rupees)
1.	08.05.2019	Mr. Jagdish Trivedi	90,000/-
2.	16.04.2023	Mr. Ashwin Kacha	25,000/-
3.	12.05.2023	R. V. Gorgi & Co.	2,00,000/-
4.	10.06.2023	R. V. Gorgi & Co.	40,000/-
5.	13.10.2023	Ashwin Kacha	10,000/-
6.	20.11.2023	Priya Padlekar	10,000/-

7.	26.12.2023	Priya Padlekar	10,000/-
8.	28.02.2024	Ashwin Kacha	4,000/-
9.	28.03.2024	Ashwin Kacha	3,000/-
10.	10.04.2024	Ashwin Kacha	4,800/-
11.	11.09.2024	Priya Padlekar	10,000/-
12.	23.04.2025	Priya Padlekar	5,000/-
		Total	4,11,800/-

It is also stated by the Petitioning Debtor that, M/s. R. V. Gorgi and Co. as well as Ms. Priya Padlekar has not issued any letter for recovery with respect to the amount, which they have given to Petitioning Debtor being a family friend.

It is to be noted that, Mrs. Manisha Mehul Trivedi, who is the wife of the Respondent abovenamed, presently residing at ½, Shantiniwas, near French Bridge, Chowpatty, Mumbai – 400007. She had filed a Petition bearing No. E-252 of 2021 before the Hon’ble Family Court at Bandra, Mumbai for maintenance under Section 125 of the Criminal Procedure Code, 1973. The Learned Family Court, the Ld. Judge P. L. Palsingankar of Family Court, Bandra, Mumbai by its Judgment dated 17th May, 2021 allowed the petition and directed Respondent herein to pay maintenance @ Rs. 25,000/- (Rupees Twenty Five Thousand Only) per month from 15.06.2015 to the Respondent herein under Section 125 of the Criminal Procedure Code, along with the litigation costs of Rs.10,000/- (Rupees Ten Thousand Only) (“said Order”). A certified copy of the said Order is annexed herewith and marked as

Exhibit “A” to the petition.

It is to be noted that, apart from the said decree of the Family Court under the provisions of Section 125 of Cr.P.C. as there is no other Claim raised by any other person against the present Petitioning Debtor.

In view of the above, facts and circumstances and in view of the provisions of Presidency Towns Insolvency Act, 1909, the petition may be placed before the Hon’ble Court for adjudication.

INSOLVENCY REGISTRAR

ASA/RVR
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