

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

INSOLVENCY PETITION NO.2 OF 2025

RE :
RUSHABH DHANESH MEHTA)...JUDGMENT DEBTOR

EXPARTE :
M/S. PAWAN CHEMICALS)...PETITIONING CREDITOR

Mr.Girish Kedia a/w. Mr.Krushang Kedia, Advocate for the Petitioning
Creditor.

Ms. Rekha Rane, Insolvency Registrar, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 15th APRIL 2025

PC. :

1. This Insolvency Petition seeks adjudication of insolvency against
the Judgment Debtor.

2. Mr.Kedia, learned Counsel for the Petitioning creditor, submits
that service has been effected in person to the Judgment Debtor
through his wife and draws this Court's attention to the affidavit of
service dated 26th February 2025.

3. Rule 61 of the Presidency Towns Insolvency Rules, 1910,
provides for service of petition as under :

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“61. Service of a creditor’s petition shall be effected by an Officer of this Court or by the Creditor or his Attorney, or by some person in their employ, by delivering to the debtor or to the person upon whom it is to be served, a sealed copy of the filed petition; provided that if personal service cannot be effected, the Court may extend the time for hearing the petition, or if the Court is satisfied by affidavit or other evidence that the debtor or such person is keeping out of the way to avoid such service, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, it may order substituted service to be made by delivery of the petition to some adult inmate at his usual or last known residence or place of business, or by registered letter or in such other manner as the Court may direct, and that such petition shall then be deemed to have been duly served on the debtor or such person.”

4. As can be seen, the said Rule requires personal service by an officer of the Court or by the Creditor or his Attorney or by some person in their employ by delivering to the Judgment Debtor or to the person upon whom it is to be served, a copy of the filed petition.

5. Accordingly, I direct the Registry to serve the petition through the office of the Sheriff of Mumbai by the next date. Let an appropriate affidavit of service be filed.

6. List on **17th June 2025**.

(ABHAY AHUJA, J.)