

Kavita S.J.

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

NOTICE OF MOTION NO.11 OF 2025

IN

NOTICE OF MOTION NO.14 OF 2024

IN

INSOLVENCY PETITION NO.14 of 2015

Mr. Rajendra Shivram Poyrekar

...Applicant/Debtor

In the matter between:

Ms. Sulochana Rajendra Poyrekar

...Petitioner/Creditor

Versus

Mr. Rajendra Shivram Poyrekar

...Respondent/Debtor

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.

Mr. Pratik Kothari for Applicant/Debtor.

Mr. Upendra Mahadik a/w Dayanand Kirtane i/b Fast Track Legal for
the Petitioner/Creditor.

CORAM : R.I. CHAGLA, J.

DATED : 15TH JULY, 2025.

ORDER :

KAVITA
SUSHIL
JADHAV

Digitally signed
by KAVITA
SUSHIL JADHAV
Date: 2025.07.17
13:34:00 +0530

1. By this Notice of Motion, the Applicant/Debtor has

sought for condonation of delay of 45 days in filing present Notice of Motion and for recall of the Order dated 21st January, 2025 which had dismissed the Notice of Motion for default and for restoration of the Notice of Motion filed in the above Insolvency Petition.

2. The Applicant has stated that the Advocate representing the Applicant had been following up Notice of Motion No.14 of 2024 as the Applicant was suffering from illness. When the Applicant inquired from his Advocate as to the listing of the matter, he was informed that the matter was listed on 7th January 2025 and 21st January, 2025 and same was dismissed on 21st January, 2025. The Applicant further states that when he inquired with his Advocate as to why he did not appear on the aforementioned dates, the Advocate for the Applicant informed that he had not received any intimation of listing of the matter on his e-mail from the Department of this Court and he was unaware of the listing of matter.

3. Considering the averments in the Affidavit in support of the Notice of Motion as well as the fact that the Applicant is a lay person and had relied upon his Advocate to proceed with the Notice of Motion and a default had been committed by his Advocate, the

Applicant should not be made to suffer on account of such default. Accordingly, the relief sought for in the Notice of Motion requires to be granted.

4. Hence, the following order is passed:

(i) The delay of 45 days in filing of the Interim Application is condoned.

(ii) The Order dated 21st January, 2025 which had rejected the Notice of Motion No.14 of 2024 for default, is recalled.

(iii) The Notice of Motion No.14 of 2024 is restored to file.

(iv) The Notice of Motion No.11 of 2025 is accordingly disposed of.

(v) The Notice of Motion No.14 of 2024 shall be placed on 5th August, 2025, High on Board.

[R.I. CHAGLA, J.]