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

NOTICE OF MOTION NO.5 OF 2025
IN
INSOLVENCY PETITION NO.36 OF 2018

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Mrs. Maya Pankaj Patel

**...Applicant
(Insolvent)**

Versus

M/s. Otarmal Kantilal and Co. & Ors.

**...Respondent
Nos.1 to 3.**

Ms. C. J. Bhatt, Official Assignee, Mr. Subodh Patil, Deputy O.A. and
I/c. Insolvency Registrar, Mr. Dinesh Iswalkar, 1st Asstt. to O.A.
present.

Mr. Devang Sanghvi for the Applicant.

CORAM : R.I. CHAGLA J.

DATE : 19TH AUGUST, 2025.

ORDER :

1. The learned Advocate appearing for the Insolvent No.1
has sought modification of the Order dated 18th March, 2025 passed
by the previous bench. The modification sought is in respect of
paragraph 3(a) and 3(b) of the said Order. He has submitted that
instead of the well wisher who has been declared as insolvent, the

words “any other person” may be added in order to comply with paragraph 3(a) and 3(b) of the Order dated 18th March, 2025. This had been moved before the previous bench who had passed the said Order dated 18th March, 2025 and the previous bench was of the view that, it was not possible to modify the Order, as the regular assignment of this matter is with this bench.

2. The Official Assignee has sought for time to file a Report. She has submitted that in view of the well wisher being an insolvent when the Petitioning Creditor had been paid and which fact was learnt subsequently, the amounts are required to be called back from the Petitioning Creditor as the Petitioning Creditors’ claim has been satisfied in priority to the claims of other creditors of the well wisher.

3. I find much merit in the submission of the learned Official Assignee that it would not be possible to modify the Order dated 18th March, 2025, in view of the well wisher, though being an insolvent, having satisfied the claim of the Petitioning Creditor in preference to the claims of other creditors of the well wisher.

4. The Official Assignee shall take requisite steps to call

back the amount from the Petitioning Creditor and file Report within a period of three weeks from today.

5. Place the Official Assignee Report upon being filed on 16th September, 2025.

[R.I. CHAGLA J.]