



2018:BHC-OS:2678

Date : 28th March, 2018

Re : 1) Sanket Dilip Mestry

2) Dilip Bhagwan Mestry

Insolvency No. 8 of 2017

Date of Insolvency... 04-05-1999

Date of Petition... 10-04-2017

Date of Adjudication..20-02-2018

Mr. Anil Agarwal, Advocate for Petitioning Creditor.

Mr. Manish R. Bhalala, Authorised Signator, Representative of Petitioning Creditor.

Asif Shaikh I/by. Khan Javed Akhtar advocate for Insolvents.

Both Insolvents absent.

This is the first meeting.

Today the meeting is fixed before me for private examination of the Insolvent No.1 and Insolvent No.2 touching their estate and affairs.

Today's meeting is fixed for Private Examination of Insolvents as well as appointment is fixed to proceed at the business premises and residential premises of the Insolvents for taking formal possession of the premises and to do inventory of articles lying therein.

Learned Advocates for Insolvent tenders "Medical Certificate" issued by

Dr. Manohar G. Mandkar dated 25th March, 2018 recording therein that Dilip Mestry, Insolvent No. 2 is suffering from Sciatica Left leg and advise complete rest for 6 weeks, The Medical Certificate is taken on record. He further states that, since his client Insolvent No.2 is advised to take complete bed rest he has left the premises and he is presently residing to the place called sahoor, he further states that, he is not aware of the exact allocation of the same. He further states that the Insolvent No. 1 is presently in Indore for business purpose and he always is in Indore for his



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work purpose. He had never attended proceedings before Court and the Insolvent No. 2 is alone handling entire matter. He further states that, we have got the instructions only from Insolvent No. 2 hence, presently we are not in position to make contact with Insolvent No. 1.

He therefore, request to grant 4 weeks time to get instructions from his client and allowing the Insolvent No 2 to appear before the Official Assignee.

Learned Advocate for Petitioning Creditor Mr. Agarwal states that the Advocate for the Insolvents have still not filed their Vakalatnama on the record and raised objections for the same. He further states that the letter fixing appointment for today sent long back to both Insolvents and therefore, the question of granting adjournment does not arise. He further states that his client is present today to proceed for the appointment fixed for taking formal possession and he insists that the adjournment may not be granted in the matter. Insolvents are purposely deluding the matter. Learned Advocate for Petitioning Creditor further states that the Insolvent No. 2 is very much carrying out business in Indore and their properties available in the Indore and he request to fixed appointment for taking possession of property at Indore also, he further states that he will provide details the address of property is in Indore to the Official Assignee. Learned Advocate for the Petitioning Creditor further states that the Insolvents are not disclose their contact number as well as their further details, he therefore request to Official Assignee to address the letter to the Advocate for Insolvents calling upon them to produce their contact details and email address.



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Learned Advocate for Petitioning Creditor further states that today's appointment is just to take formal possession and the same may not be adjourned the Insolvent is not going to be disposed from the premises.

Per 1st Asstt. To O.A.:

In view of absence of Insolvent, I am not unable to proceed in the matter for Private Examination. I therefore, adjourned today's meeting to **26th April, 2018 at 12:00 noon.**

Office is directed to proceed today further for taking formal possession as fixed earlier Insolvent is also directed to file Schedule of Assets and liability before the next date of the meeting and to comply 21st March 2018.

Insolvent No. 1 is directed to remain present on the next date without failing which Official Assignee shall proceed to issue Rule NISI in the matter. Learned Advocate for the Insolvent is also directed to file Memo of apparrance within 8 days.

1st Asstt. to Official Assignee