



2018:BHC-OS:2678

Date: 5th December 2019

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

Present:

Ms. Prerana Shetty, i/by Anil Agarwal, Advocate for the Petitioning
Creditor

Shri Kaushik Doshi, Manager of Petitioning Creditor

Shri A. P. Bagwe, Advocate for the Insolvents

Insolvent No. 1: Absent

Insolvent No. 2: Dilip Bhagwan Mistry

No other appearance

This is an adjourned meeting.

Since the Ld. 1st Asstt. to Official Assignee has not taken charge of
the said post, the Registry has placed this matter before me.

Pursuant to the Court's Order dated 17th September 2019 passed
by the Hon'ble Shri Justice R.I. Chagla in the Official Assignee Report bearing
No. 1 of 2019 and Report No. 11 of 2018, the Official Assignee made an



attempt to take physical possession on agricultural plots of land bearing survey Nos. 278/4A and 278/5A on 14th November 2019. It was reported by the Representative of the Official Assignee that he could not take physical possession of the said plots as the Insolvent No. 2 was not present at site at Shirpur, Village Dahiwad, Taluka Shirpur, Dist. Dhule, to identify the said plots.

It was also reported by the Representative of the Official Assignee that at the time of visit on 14th November 2019, one Mr. Amol Bhikan Rao Patil was present at Plot No. 278/6 and stated that he was cultivating cotton crops on the plot No. 278/6 and he further stated that he is paying Rs.12,000/- per year to the Insolvent No. 2.

Shri Bagwe, Ld. Advocate appearing on behalf of the Insolvents states that the Insolvent No. 2 was not keeping well, and therefore he could not attend the site as per appointment fixed. He, therefore, requests the Official Assignee to fix a fresh appointment for the purpose of taking physical possession of the said plots and valuation thereof as directed by the Hon'ble Court.

Ms. Shetty, Ld. Advocate appearing on behalf of the Petitioning Creditor states that a fresh appointment may be fixed on 19th December 2019 at 11.00 a.m. at site for the purpose of taking possession of the said plots and for valuation of all the three plots of land. Ms. Shetty, Ld. Advocate for the Petitioning Creditor further states that by letter dated 4th December 2019 informed the Official Assignee that the valuation of the jewellery items of the



Insolvent was made and the said jewellery are not disposed off and requested the Official Assignee to take steps for sale and realize the same.

The Insolvent No. 2 states that cement polls are erected at the boundaries of the plots. Therefore, demarcation of the said plots by Land Surveyor is not necessary.

Shri Bagwe, Ld. Advocate appearing on behalf of the Insolvents upon instruction of Insolvent No. 2 states that Mr. Amol Patil was care taker of the plot No. 278/6 for the last 5 years and he is not paying any rent for cultivating cotton crops on the said plot and the statement made by Mr. Patil is false.

Per Dy. O.A.:

By consent of the parties, **a fresh appointment is fixed on 19th December 2019 at 11.00 a.m. at site.**

Insolvent No. 2 is directed to remain present at site and to identify the plots of land to enable the representative of the Official Assignee to take physical possession thereof. The Insolvent No. 2 is also directed to deposit the Original Title Deed pertain to the plots bearing survey No. 278/4A, 278/5A and 278/6, with Official Assignee.

Petitioning Creditor is directed to make arrangements to take possession of the plots of land.

Registry is directed to inform the concerned valuer and authorities.



In view of the above, today's meeting stands adjourned to 8th January 2020 at 12.00 noon.

Insolvent No. 2 is directed to furnish the address of the said Mr. Amol Patil, immediately.

Registry is directed to call upon Mr. Amol Patil to deposit the rent with the Official Assignee.

As regards the jewellery belongs to the Insolvent No. 2 is concerned, Registry is directed to submit the report to the Hon'ble Court for the sale of jewellery items belonging to the Insolvents.

E.B. Sivakumar
Dy. Official Assignee