



Before: Shri S.R.Patil, 1st Asstt. to C.A. BHC-OS:2678
High Court, Bombay

Date: 6th February 2023

Re : 1) Sanket Dilip Mestry
2) Dilip Bhagwan Mestry

Insolvency Petition No. 8 of 2017

Date of Insolvency...	04-05-1999
Date of Petition...	10-04-2017
Date of Adjudication..	20-02-2018

Present:

Ms. Sonal Deulkar a/w. Ms. Nikita Patil i/by Shri Anil Agarwal,

Advocate for the Petitioning Creditor

Shri A.P. Bagwe, Advocate for the Insolvent

Insolvent No. 1: Exempted

Insolvent No. 2: Absent

No other appearance

This is an adjourned meeting fixed for the private examination of the Insolvents touching their estate and affairs.

Today, Insolvent No. 2 as well as Petitioning Creditor absent.

On 11th July 2022 when this matter appeared before the undersigned the when the matter called Insolvent was absent. At 2.30 p.m. Insolvent No. 2 Dilip Mestry appeared before me and apprised date and time of the meeting and states that he will appear on the next date of the meeting without fail as he was late due to he held up in the traffic and could not appear before the Official Assignee at stipulated time.

On 13th September 2022, again the Insolvent No. 2 was failed to remain present. On that day direction was given to the Registry if the Insolvent fails to appear



in the meeting then RULE NISI will be issued against the Insolvent No. 2 and the matter is adjourned on 16th November 2022.

On 16th November 2022 this Registry has received an email by Advocate for the Insolvents stating therein that the Insolvent No. 2 is not feeling well and he was absent on that day and matter adjourned to 17th January 2023.

On 17th January 2023 Insolvent No. 2 and his Advocate were absent. On that day it was recorded that this Office has received email dated 16th January 2023 by the Advocate for the Insolvent alongwith medical certificate of Dr. Manohar G. Mondkar stating therein that the Insolvent is suffering from uncontrolled hypertension and he is not able to walk or travel unaided and seeks adjournment. On that day Advocate for the Petitioning Creditor strongly objected for absence of the Insolvent No. 2.

Today, also Insolvent No. 2 absent.

Shri Bagwe, Ld. Advocate for the Insolvents states that the Insolvent No. 2 is suffering from Alzheimer and presently he is hospitalized, but for that he could not able to produce any medical certificate to that effect.

Advocate for the Petitioning Creditor strongly objected the said facts of the Advocate for the Insolvents. She states that for last 3 times the Insolvent No. 2 is not present before the Official Assignee for his private examination and today also Insolvent No. 2 is perpetually avoid to appear and delaying the procedure.

On the last date Registry was directed to submit compliance made by the Insolvents for various directions given in the earlier meeting and submit report but till date no compliance report was submitted by the Registry.



Per 1st Asstt. to O.A.:

In view of the above, today's meeting stands adjourned to **29th March 2023 at 12.00 noon.**

Registry is also directed to submit compliance made by the Insolvent for various directions given in the earlier meeting and submit report on or before the next date.

Registry is directed to issue RULE NISI or prepare Report under Section 27 read with Rule 188 (2) of the Presidency Towns Insolvency Act 1909 against the Insolvent No. 2 for not attending office of the Official Assignee for his private examination.

S.R. Patil
1st Asstt. to Official Assignee