



Before: Shri S. R. Patil, 1<sup>st</sup> Asstt. to U.A. 2018/BHC-OS:2678  
High Court, Bombay

**Date: 22<sup>nd</sup> April, 2024**

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:

Petitioning Creditor: Absent

Ms. Chaya More a/w. Ms. Pragati Zore i/by Anil Agarwal, Advocate for the Petitioning Creditor.

Shri Anil P. Bagwe, Advocate for the Insolvents

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.

As per the order of the Hon'ble Insolvency Court dated 5<sup>th</sup> March, 2024 Learned Official Assignee was permitted to auction the property of the Insolvent being agricultural land bearing Survey No. 278/6, Village Dahivad, Taluka Shirpur, District Dhule by way of public auction. Pursuant to order, Office has prepared draft of auction schedule. When the Official Assignee Report No. 16 of 2023 kept for hearing on 16<sup>th</sup> April, 2024 before the Hon'ble Insolvency Court whereby Advocate for the Insolvent seeks time to take appropriate instructions as 7/12<sup>th</sup> Extract provided by the Tahsildar name of Shri Shantikumar Kantilal Jain was shown on property card. The said matter is listed on board on 30<sup>th</sup> April, 2024 for calling instructions on behalf of the Insolvent.



: 2 :

Today, Insolvent No. 2 is absent.

Ms. More, Advocate for the Petitioning Creditor state that Insolvent No. 2 is absent since last six months and not appearing for the private examination. On 18<sup>th</sup> October 2023 Advocate for the Insolvents states that Insolvent is suffering from Alzheimer and his Doctor has advised for bed rest and Insolvent is bed ridden. Shri Vivek Chhabria is taking care of Insolvent No. 2 Dilip Mestry and all his medical expenses of the Insolvent No. 2 borne by him. On that day Advocate for the Insolvents requested condone due to his ill-health. After that meeting held on 7<sup>th</sup> December 2023, 5<sup>th</sup> January 2024, 2<sup>nd</sup> February 2024, 14<sup>th</sup> March 2024, 21<sup>st</sup> March 2024 and today also Insolvent No. 2 remain absent. Ms. More, Advocate for the Petitioning Creditor at this stage taking strong objection for absence of the Insolvent No. 2 and stating that RULE NISI may be issued against the Insolvent No. 2 for his absence.

Advocate for the Insolvents states that Insolvent No. 2 is suffering from Alzheimer and he could not walk without assistance of any third person and states that his absence may be exempted.

Advocate for the Insolvent is directed to furnish the fresh medical certificate, treatment papers from Doctor who is making treatment of Insolvent No. 2.

**Per 1<sup>st</sup> Asstt. to O.A.:**

In view of the above and at the request of Shri Bagwe, Ld. Advocate for the Insolvents, today's meeting stands adjourned to **20<sup>th</sup> June, 2024 at 11.00 a.m.**



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: 3 :

Insolvent No. 2 is directed to remain present on the next adjourned date of the meeting. In the meantime, Insolvent Nos. 1 and 2 are also directed to submit there affidavit regarding any sale or purchase of the immovable property or any transaction during the pendency of Insolvency within four weeks from today.

Office is directed to prepare report for sale of other immovable property to raise the money for benefit of general Creditors.

1<sup>st</sup> Asstt. to Official Assignee