



Before: **Shri A.J. Kesarkar, Dy. O.A.** 2019:BHC-OS:9945  
High Court, Bombay

**Date: 28<sup>th</sup> July, 2022**

Re: Umesh Prakash Kela

**Insolvency Petition No. 28 of 2018**

Date of Insolvency... 30.06.2018

Date of Petition... 13.07.2018

Date of Adjudication.. 04.06.2019

Attended by: Mrs. S.M. Surve, Assistant,  
O.S.

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Present:

Shri Pratap B. Kapadia, Advocate for the Petitioning Creditor

Shri Anil P. Bagwe, Advocate for the Claimant

Claimant: Mrs. Pragya Umesh Kela

No other appearances.

This is an adjourned meeting fixed for investigate the Affidavit of Claim for the articles filed by Mrs. Pragya Umesh Kela.

This matter pertains to the 1<sup>st</sup> Asstt. to Official Assignee, today he is on leave, therefore, the said matter placed before me.

Before proceed with the meeting, Mr. Kapadia, Advocate for the Petitioner Creditors raised an objections that not to allow the Insolvent to remain present in the said meeting while deciding the claim of the claimants for articles.



In response to the said query, Mr. Bagwe, Advocate for the Claimant asked Mr. Kapadia, Advocate for the Petitioner Creditor to show the provision, whether there is any provision in the act or rule. In rejoinder to that, Mr. Kapadia, Advocate for the Petitioner Creditor has not responded. Mr. Bagwe, Advocate for the Claimant made a statement that there is no any provision in the act or rule to prevent the Insolvent from his presence at the time of deciding the claim of the Claimant. The Advocate for the Petitioning Creditor also raised another objections that, if the Officer will permit the Insolvent to remain present in the said meeting, then, he will take necessary steps against the Officer. Thereafter, with consent of both the Advocates meeting started on the conditions that Insolvent will not make any statement at the time of deciding the claim of the claimant.

It is seen from the record that, an intimation was given to the Claimant to remain present at the time of adjourned meeting for proving the claim of movable articles, otherwise, necessary steps to be taken in the said matter. Accordingly, today claimant is present. It is also seen from the records that, the claimant has already filed an Affidavit of claims.

During the deciding the claims of the claimants, allegations made by the Claimant as well as Advocate for the Petitioner Creditors against each other, therefore, it is not possible to proceed with the meeting. Today's meetings is fixed for proving the claim of the claimant for movable property and not for resolving the issue of the allegations of the parties.



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In view of the above and in my view, today's meeting needs to be adjourned.

**Per Dy. O.A.:**

In view of the above, today's meeting stands adjourned to **28<sup>th</sup> September 2022 at 12.00 noon.**

A.J. Kesarkar  
Dy. Official Assignee