

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.  
NOTICE OF MOTION NO. OF 2006  
IN  
INSOLVENCY PETITION NO.6 OF 2001

Suresh M. Mehta ...Insolvent.

EX-PARTE:

ICDS Limited ...Petitioning  
Creditors.

Mr.S.R.A.Shaikh i/b Thakordas & Madgaonkar advocate for  
the Insolvent.  
Shri A.P.Kothari Deputy Official Assignee present in  
person.

CORAM : S.R.DONGAONKAR, J.  
(VACATION JUDGE)  
DATED : 26th May, 2006.

P.C.:

Leave under Rule 18 of the Bombay Insolvency Rule  
1910 is granted to the Insolvent/Applicant to  
take out Notice of Motion in terms of the draft  
Notice of Motion handed in.

1. Heard Shri S.R.A.Shaikh for Suresh Mehta,  
Insolvent. Petitioning Creditor, ICDS Limited is absent.  
Heard Official Assignee also.

2. The Insolvent claims a leave to visit Bangkok for  
7 days ( revised duration from 30th May, 06 to 8th June,  
2006). Earlier duration was from 27th May, 06 to 4th

June, 06.

3. It is claimed that he has passed 75 years of age. His children, out of love and affection and also in view of his indifferent health, have gifted holidays in South-east Asia for the aforesaid area. According to him, this period is suitable for him to visit Bangkok. Considering his medical treatment periods. It is stated that he had to face this insolvency proceedings, as he was guarantor.

4. According to him, for improvements of his health, short duration of holiday is a must. His expenses are being borne by his children. He has assured to return immediately after the holidays; in India and continue the proceedings. According to him, further he is a person of high status but due to misfortune, he had to face this proceeding.

5. On perusal of the record, it is difficult to deny him holidays.

6. The Official Assignee, has not shown any material on which such a holiday can be denied.

7. Some of the orders of this Court of allowing such holidays to the insolvent have been brought to my notice. The Official Assignee only submits that the insolvent be directed to deposit such amount as security through his well-wishers and on his return, again deposit his passport to the Official Assignee subject to this condition, he will have no objection.

8. In these circumstances, following order is passed:

a. The passport of the Insolvent be returned to him on the undertaking of the well-wishers of the Insolvent that after availing holidays, the Insolvent will immediately return to India and deposit his passport with the Official Assignee; on furnishing cash security of Rs.30,000/- with the Official Assignee which shall be liable for forfeiture if the aforesaid condition is not complied with. On return of Insolvent, Official Assignee to refund the security deposit to the well-wishers/depositors.

b. Official Assignee shall be entitled to inform passport authorities and visa authorities concerned, about the breach of the undertaking in case, the Insolvent does not return his passport after availing the holidays;

within three days, i.e., before 15th June, 2006.

c. Notice of Motion to be registered. Accordingly,  
the said Notice of Motion is disposed of.

(S.R.DONGAONKAR, J.)