

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.243 OF 2015
IN
WRIT PETITION NO.9806 OF 2013**

Jehangir Adi Wadia & Ors.	...Applicants
<u>In the matter between</u>	
Jehangir Adi Wadia & Ors.	...Petitioners
vs.	
Harishchandra Sakharam Patil & Ors.	...Respondents

Mr. Yahya Ghoghani with Ms. Manisha Virkhare i/b. Vigil Juris for the Applicants/Petitioners.
Ms. Kanizz Merchant i/b. M/s. S. Mohamedbhai & Co. for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 23RD FEBRUARY, 2015.

PC. :-

The above Civil Application has been filed for effecting service on the Respondent No.5 in the above Petition by taking recourse to Order 5 Rule 20 of the Code of Civil Procedure by publishing the notice in two local newspapers having circulation in the city of Mumbai. The reason why recourse to Order 5 Rule 20 is required to be taken, is mentioned in paragraph 3, 4 and 5 of the Civil Application. The sum and substance of the reasons is that the Bailiff's report dated 1st October, 2014 discloses that the Respondent No.5 has expired. It is the case of the Petitioners that they are not aware of the heirs of the Respondent No.5 and neither the Respondent No.2 who is appearing through

Advocates is aware of them. The Civil Application is, accordingly, allowed. Resultantly, the Petitioners are allowed to publish the notice in respect of the Respondent No.5 in two local newspapers, namely, Navshakti in Marathi and Free Press Journal in English. The paper publication to indicate that the notice is made returnable on 6th April, 2015. After the paper publication, the Petitioners to file affidavit of service annexing the paper publications thereto. The Civil Application is, accordingly, disposed of.

(R. M. SAVANT, J.)