

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

WRIT PETITION STAMP NO.23294 OF 2015

Samata Industrial Developers : **Petitioner**
versus
Hiralal B Patel and ors. : **Respondents.**

Mr. Surel S Shah a/w Mr. A U Mishra for the Petitioner.
Mr. M S Menon a/w Mr. A A Siddiqui for the Respondent No.1.

CORAM : R. M. SAVANT, J.
DATE : 03rd September 2015

P.C.

1 The learned counsel appearing for the Respondent No.1 – original Defendant has no objection if the impugned order is set aside and the Petitioner – Original Plaintiff is directed to effect service by paper publication in so far as the Defendant Nos.2 and 3 are concerned. He further states that since the suit is listed on 15/10/2015 the publication be directed to be completed before the said date. The learned counsel for the Respondent No.1 Shri Menon further points out that the Defendant No.1 is 78 years old and hence the process may be expedited. Since the Respondent Nos.2 and 3 have to be served by paper publication and since sufficient time has already elapsed, in my view, the interest of justice would be served if the following directions are issued :-

A] The impugned order dated 12/08/2015 is quashed and set aside and resultantly, the Petitioner is held to be entitled to serve the

Defendant Nos. 2 and 3 by paper publication by publishing a notice i.e. the writ of summons in two daily news papers having circulation in Mumbai i.e. Free Press Journal and Maharashtra Times.

- B] The Office of the Registrar, City Civil Court, Mumbai to give appropriate returnable date as per the City Civil Court Rules.
- C] The finalization of the draft of the notice is also expedited and office of the Registrar, City Civil Court, Mumbai is directed to finalize the draft within one week from date.
- D] In the facts and circumstances of the instant case, the hearing of the suit in question is expedited.
- E] In the light of above, the above Writ Petition to stand disposed of.
- F] Parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]