

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

**CIVIL APPLICATION NO.3620 OF 2014
IN
FIRST APPEAL NO.330 OF 1993**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Prakash Mahadik for the applicant
None for the respondent

CORAM : K.K.TATED, J.
DATED : 11/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by defendant in Suit No.7778 of 1991 for serving the present Appeal upon the unknown legal heirs of Respondent nos.1(b), 1(f) and upon the respondent nos.1(i) and 1(j) by substitute service and also for issuing fresh notice to respondent nos.1(d) and 1(e).
- 3 The learned counsel for the applicant submits that at present applicant is not pressing prayer clause (a). Liberty may be granted to the applicant to take appropriate steps according to law in respect of prayer clause (a). Same is permitted.
- 4 Considering the submissions made by the learned counsel for the Applicant and the

averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

A) Civil Application is allowed in terms of prayer clause (b) which read thus:

“(b) The Hon'ble Court be pleased to permit the Applicant-Appellant to serve the present Appeal upon the Respondent Nos.1(d) and 1(e) through mode of by Court bailiff and by Registered Post Acknowledgement-Due.”

B) Office is directed to issue fresh notice to respondent no.1(d) and 1(e), returnable after 8 weeks.

C) In addition to usual mode of service, Applicant is permitted to serve respondent nos.1(d) and 1(e) by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

D) Liberty granted to the applicant to prefer appropriate proceeding for prayer clause (a).

E) Civil application stands disposed off accordingly.

(K.K.TATED, J.)