

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

**CIVIL APPLICATION NO.66 OF 2017
IN
CIVIL REVISION APPLICATION STAMP NO.19705 OF 2017
ALONGWITH
CIVIL APPLICATION NO.443 OF 2016**

Mrs. Mary Pereira and another ..Applicants

Versus

Mrs. Norysca Wassoodew and others ..Respondents

Shri. Nagendra S. Dube for the Applicants.

**Shri. Rupesh R. Mandhare a/w Shri. Joshua Borges for the
Respondent Nos.1 to 3.**

CORAM : R. M. SAVANT, J.

DATE : 21st APRIL, 2017

PC.

1 The above Civil Application has been filed for the following
reliefs :-

- a. That this Hon'ble Court may pass an order whereby the service of notice on Respondent No.4 by way of advertisement may be exempted/waived off in view of peculiar facts and circumstances of the case.
- b. In alternate (a) above, that this Hon'ble Court may pass an order whereby the Applicants may be allowed to service of notice of the above matter on the Respondent No.4 by way of advertisement in Free Press Journal English and Navshakti in Marathi Newspaper."

The Respondent No.4 is the brother of the Petitioner No.2 and son of the

Petitioner No.1 i.e. the Applicants. Though the above reliefs have been sought vide the above Civil Application, the Learned Counsel appearing on behalf of the Applicants Shri. Nagendra S. Dube has filed an affidavit of service to which is annexed paper publication i.e. public notice issued in daily newspaper "Free Press Journal" in its daily edition dated 06.12.2016 and "Navshakti" in its edition of the same date, wherein the said public notice has been issued of the above Civil Application that the same would be coming up before this Court and that the same may be collected from the undersigned i.e. advocate for the Applicants. The Learned Counsel therefore prays that the said paper publication may be accepted as service on the Respondent No.4.

2 Notwithstanding the fact that the above Civil Application has been filed for the reliefs which have been adverted hereinabove, in my view, since the paper publication has already been done of the notice of the advocate in the two daily newspapers, the need to grant reliefs sought by the above Civil Application is obviated. The notice published in the two daily newspapers would be deemed to be service on the Respondent No.4. The Respondent Nos.1 to 3 who are the landlords and the main contesting Respondents are represented by advocate. The Civil Application is accordingly disposed of in view of the fact that the notice has already been published in the said two daily newspapers.

(6) - CAC-66-17.doc.

3 The Civil Application No.443 of 2016 for condonation of delay to be listed on 16.06.2017.

4 The Learned Counsel for the Petitioner Shri. Nagendra S. Dube may address private advocate's notice to the Respondent No.4 intimating him of the said date.

[R.M.SAVANT, J]