

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2568 OF 2017
IN
FIRST APPEAL NO. 2467 OF 2011

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Aumkar Joshi, Advocate for Applicant is present.

CORAM : R. M. JOSHI
I/C. REGISTRAR (JUDL-II)

Date : 4th September 2017

By this application the Applicant is seeking modification of order passed by the Registrar (Judicial-II) in Civil Application No. 2491 of 2014 and also direction to publish notice of Opponent Nos. 1 & 3 in newspaper.

The Applicant is also seeking publication of notice of the present First Appeal in Savera India Times circulated in Daman in respect of Opponent No.1 and Chapte Chapte circulated in Kolkata and Qaumi Patrika circulated in Delhi in respect of Opponent No.3.

It is the contention of the Applicant that by order dated 1st August 2014, notice was allowed to be published in respect of Opponent No.1 and by order dated 27th October 2014, notices were allowed to be published in respect of Opponent No.3 in different newspapers.

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It is however, further contended that the notices were not published in accordance with the said orders.

The learned Advocate for the Applicant states that on the basis of statement on oath, that the Applicant does not have present addresses of Respondent No.1 and 3, notices were allowed to be published in Newspaper. He further states that the publication of notice as prayed herein be allowed.

It must be noted that no purpose will be served by modifying the order dated 1st August 2017 and 27th October 2014 passed by the Registrar (Judicial-II) in Civil Application Nos. 2491 of 2014 and 3580 of 2014, respectively.

The Applicant is seeking publication of notice to Opponent Nos. 1 & 3. Earlier, similar applications were allowed. But in view of action of publication of notice in wrong newspapers, the service could not be effected properly.

In the above circumstances, considering the previous orders and present application which is duly affirmed by the Applicant No.1, same deserves to be allowed in following terms :

Notice issued to Opponent No.1 be published in the newspaper Savaera India Times and notice issued to Opponent No.3 be published in newspaper Chaptre Chaptre circulated in Kolkata and Qaumi Patrika circulated in Delhi, returnable within eight weeks.

Sd/-
I/C. REGISTRAR (JUDL-I)