

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE NO.432 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Rahul Sali i/b M/s.S.G.Legal and Associates for the applicant

CORAM : K. K. TATED, J.

DATE : NOVEMBER 14, 2017

P.C.:

1. Heard the learned counsel for the Claimant.
2. This notice is preferred by Claimant under Order XXI Rule 22 of the Code of Civil Procedure, 1908 on 25.2.2016.
3. The learned counsel for the Claimant submits that inadvertently it remained on their part to take appropriate steps for lodging original notice in the office of Deputy Sheriff for service. He further submits that same is not served on the other side, even by private service. He seeks extension of time to serve the notice on other side. It is to be noted that there is a delay of more than 1 ½ year on the part of the Claimant to take appropriate steps for service.

4. Considering the submissions made by the learned counsel for the Claimant and as Claimant have to recover near about Rs.12,52,617/- as per award dated 10.7.2013, I am of the opinion that in the interest of Justice, returnable date be extended on payment of cost of Rs.7,500/-. Hence, following order is passed:

- a) Returnable date of notice is extended to 19.1.2018.
- b) Registry is directed to issue notice to respondents, returnable on 19.1.2018.
- c) In addition to usual mode of service, Claimant is directed to serve copy of notice along with Execution Application with all exhibits on respondents by private notice either by registered post A/D and or by hand delivery and file affidavit of service to that effect on or before 12.1.2018.
- d) Claimant to pay cost of Rs.7500/-.
- e) Cost to be deposited in the office of Kirtikar Law Library, High Court, Bombay on or before 15.12.2017 and place on record receipt to that effect, failing which the Notice shall stand dismissed without further reference to the court.
- f) Stand over to 19.1.2018.

(K.K.TATED, J.)