

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

**CIVIL APPLICATION NO.2371 OF 2018
IN
WRIT PETITION NO.3918 OF 2017**

Royal Builders and Developers
Through Its Proprietor
Amro Mohammed Sharif Khan .. Applicant

V/s.

The Special Recovery Officer and Ors. .. Respondents

Mr.A.M.Saraogi for the Applicant

Mr.K.S.Deval i/b Mr.J.M.Joshi for the Respondent nos.1 and 2

Ms.S.S.Bhenale, A.G.P. for the Respondent nos.3 and 9

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : OCTOBER 30, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this Civil Application, Applicant is seeking permission to serve Respondent nos.4 to 8 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908.

3 The learned counsel for the Applicant submits that this court by order dated 05.09.2018 in Civil Application No.1443 of

2018 permitted Applicant to serve Respondent nos.4 to 7 by hand delivery on or before 14.09.2018 and file affidavit of service to that effect. He submits that Applicant tried to serve Respondent nos.4 to 7 by hand delivery. He submits that Applicant undertakes to file affidavit of service to that effect on or before 03.11.2018. Same is accepted.

4 The learned counsel for the Applicant submits that by this Civil Application, they are seeking permission to serve Respondent nos.4 to 7 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908.

5 The learned counsel for the Applicant submits that by mistake in prayer clause (a), they stated that they want to serve Respondent nos.4 to 8 instead of Respondent nos.4 to 7. He seeks permission to carry out appropriate amendment in the prayer clause (a). Same is permitted. Amendment be carried out during the course of the day.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Applicant is permitted to serve Respondent nos.4 to 7 by substitute service as provided under Order V Rule 20 of the Code of Civil Procedure, 1908 as early as possible but in any case on or before 30.11.2018.

- b) Civil application stands disposed off accordingly.
- c) No order as to costs.

(N. J. JAMADAR, J)

(K.K. TATED, J.)