

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

**NOTICE OF MOTION (L) NO.124 OF 2018
IN
WRIT PETITION NO.2040 OF 2015**

Shopkeepers Welfare Association

.. Applicant/ Org.
Petitioner

In the matter between

Shopkeepers Welfare Association

..Petitioner

vs.

The Municipal Corporation of Greater Mumbai
and 4 Ors.

...Respondents

Mr.Katira Y. Damji, applicant-in-person.

Ms. Uma Palsule Desai, AGP for the Respondent No.5.

Ms. Shital Mane for the Respondent-BMC.

CORAM : A.S. OKA & P. N. DESHMUKH, JJ.

DATE : 6th FEBRUARY, 2018

P.C.:

. Not on board. Taken on board.

2. Heard the applicant-in-person. Notice issued to the Respondent No.4 in the main writ petition is returned unserved with the remark “insufficient address”. On 20th December 2017 time was granted to the applicant to take steps for effecting service upon the Respondent No.4. The Applicant submits that he has served the Respondent No.4 by way of a private service, but the postal envelope is returned unclaimed. However, in view of the office remark that the address of the Respondent No.4 is insufficient, private notice cannot be accepted as a good service. However, with a view to give one more opportunity to the Applicant to take appropriate steps for effecting service upon the Respondent No.4, a case for restoration is made out.

3. Accordingly, Notice of Motion is made absolute in terms of the prayer clause (a) subject to the applicant taking effective steps for effecting service upon the Respondent No.4 within a period of 4 weeks from today.

4. If compliance as aforesaid is not made, the order of dismissal shall stand.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)