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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**CHAMBER SUMMONS NO.942 OF 2017
IN
ARBITRATION PETITION NO.576 OF 2015**

Qayyum Musa KhanPetitioner
vs
Mohammad Tarique Mohammad Sabir Shaikh And Anr. ...Respondents
.....
Mr. S.M. Kazi, for the Petitioner.

.....
CORAM : S.C. GUPTE, J.

DATED: 30 NOVEMBER, 2018

P.C.:

. This chamber summons seeks to bring legal heirs of the deceased Petitioner on record. There was a delay in taking out the chamber summons. The chamber summons seeks condonation of that delay. The chamber summons was sought to be served on the Respondents. It is the case of the Petitioner that Respondent No.1 refused to accept the service and was in fact evading service. Learned Counsel submits that a substituted service was accordingly sought from the Court. That order was passed on 20 March 2018. Pursuant to that order, a publication was made in the "Free Press Journal" and "Navshakti" of 23 November 2018. In proof of such service upon Respondent No.1 by publication, an affidavit dated 29 November 2018 is tendered by learned Counsel for the Petitioner. Despite such service, Respondent No.1 is absent. So is Respondent No.2.

2. For the reasons stated in the affidavit in support of the chamber summons, the chamber summons is made absolute in terms of prayer clauses (a), (b) and (c). The amendment to be carried out within two weeks. Amended copy of the arbitration petition will be served on all the Respondents to the petition. The arbitration petition to come up in due course. The chamber summons is disposed of accordingly.

(S.C. GUPTE, J.)