

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

**CIVIL APPLICATION NO.1911 OF 2018
IN
WRIT PETITION NO.12099 OF 2017**

Hemendra Chunilal Shah and Anr. .. Applicant

VS.

Ramniwas Kukumchand Bansal and Ors. .. Respondents

Mr.S.S.Patwardhan for the applicant
Ms.Manjiri S. Parasnis for the respondent no.3

**CORAM: K.K. TATED, J
DATED : JANUARY 31, 2019**

P.C. :

1 Heard.

2 By this Civil Application Applicant is seeking permission to serve Respondent no.2, Anand Ramniwas Goyal 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 in Trial Court, advocate for the defendant no.2 filed purshis giving present correct address of defendant no.2 as stated in the plaint. In support of this contention, he relies on Exhibit-A page 7 of the Civil Application.

4 The learned counsel for the Applicant submits that notice

issued to Respondent no.2 by Registered Post returned unserved with remark 'left address'. Hence, Applicant preferred the present Civil Application for substitute service.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 3, 4 and 5 of the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

A) Civil Application is allowed in terms of prayer clause (a) and (b) which reads thus:

“(a) That this Hon’ble Court be pleased to direct that, service of notice in the present Writ Petition be affected on respondent no.2 by affixing under Order 6 Rule 14-A (4) read with Order 5 Rule 20 of Code of Civil Procedure, 1908.”

(b) That this Hon’ble Court be pleased to permit applicants to effect substituted service under Order 5 Rule 20 (1-A) of the Code of Civil Procedure, 1908, simultaneously.”

B) Service be completed on or before 14.06.2019

C) Civil application stands disposed off accordingly.

D) No order as to costs.

(K.K. TATED, J.)