

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1 OF 2019

ALONG WITH

NOTICE OF MOTION NO.679 OF 2017

IN

COMMERCIAL SUIT NO.769 OF 2017

Kapila Infrastructure Ltd., Mumbai	Applicant
<i>In the matter between</i>	
Kapila Infrastructure Ltd., Mumbai	Plaintiff
<i>V/s.</i>	
S.S. Developers, Mumbai and Ors.	Defendants

Ms. Jennifer Michael, with Mr. Animesh Singh, i/by Mr. Dhiren H. Shah, for the Applicant–Original Plaintiff.

Mr. Nikhil Waje, with Modini M. and Apurva S., i/by Thodur Law Associates, for the Defendant No.7.

CORAM : A.K. MENON, J.

DATED : 17TH OCTOBER, 2019.

P.C. :

1. On behalf of the applicant–plaintiff, it is submitted that it is not possible to serve defendant no.5, against whom the service was attempted thrice including through, the Sheriff’s office which has attempted to serve defendant no.5 as set out in the interim application. In that view of the matter,

learned counsel for the applicant seeks leave to serve defendant no.5 by substituted service.

2. As far as defendant nos.9 to 14 are concerned, the attempts to serve the said defendants at the only known addresses and as disclosed in the cause-title, has not met with success. In view thereof, learned counsel for the applicant applies for substituted service.

3. Accordingly, I pass the following order :-

- (i) The applicant-plaintiff is directed to serve defendant nos.5 and 9 to 14 by substituted service. Draft of the advertisement shall be settled by the registry within a period of three weeks from today. The advertisement shall be published in the Times of India (English) and Maharashtra Times (Marathi) in the appropriate column.
- (ii) In addition, the writ of summons shall also be served once again through the **Speed post** by the Sheriff of Bombay and a reputed courier service.
- (iii) Applicant-Plaintiff shall also address e-mails to the concerned defendants, if any addresses are available and the defendants identity is established.

- (iv) The returnable date of the writ of summons is extended upto 16th December 2019.
- (v) Interim application is disposed in the above terms.

(A.K. MENON, J.)