

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.894 OF 2019

IN

CONTEMPT PETITION NO.16 OF 2019

Kulsum Mohamed Akbar
@ Culcumbi @ Kulsum Bi

....Petitioner

V/s.

Shaikh Mohamad Akbar
@ Xec Mohamed Acbar & Ors.

.... Respondents

Shri Ketan Morajkar, Advocate for the Petitioner.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 10th January 2020

P.C.:

The petitioner wanted to serve notice on the 3rd and 4th respondents—the wife and the husband—at the address shown in the cause title. So the bailiff went but found neither at the given address. Then, after enquiring the neighbours, he came to know that both are living at Housing Board Colony, Rumdamol, Davorlim, Salcete, Goa, along with the 3rd respondent's mother. Again, the bailiff is said to have gone over to that place to serve the notice; again, he could not find them.

2. Therefore, the Bailiff is said to have served the notice by

affixture, as he has concluded that the couple has been deliberately avoiding notice.

3. Now, the petitioner has filed this Misc. Civil Application for a declaration from the Court that the 3rd and the 4th respondents have been duly served.

4. I reckon the notice was sought to be served in a Contempt Petition, which is quasi-criminal. Before the Court declares that the notice has been served or deemed to have been served, it ought to be very wary because of the consequences that follow the contempt proceedings. Perhaps, as the petitioner's counsel puts it, the 3rd and the 4th respondents may have been trying to avoid notice, to dodge the contempt proceedings as long as they could.

5. But before the Court proceeds with the matter, it desires to provide one more opportunity to the petitioner to effect service at both the addresses through registered post, too.

6. I, therefore, hold that the petitioner will amend the cause title of the 3rd and the 4th respondents, show the alternative address, keeping the earlier address too intact; and then take out notice on both the addresses through speed post.

7. Thus, I permit the petitioner to amend the cause title and take out notice through speed post to the 3rd and 4th respondents.

Post the matter on 24th March 2020.

DAMA SESHADRI NAIDU, J.

NH