

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE**

MISC.CIVIL APPLICATION NO. 1081 OF 2019

IN

SECOND APPEAL NO. 26 OF 2015

MANIK NAKUL DESAI.

... Petitioner

Versus

GOODFAITH SHIPPING COMPANY AND 2
ORS.,

... Respondent

None present.

REGISTRAR'S ORDER

The notice of the Respondent Nos. 1 & 2 was sent by Speed Post/R.P.A.D. on the registered address mentioned in the Cause Title of the Appeal for overseas posting. Its report is received, i.e. both the envelopes of the Respondent Nos. 1 & 2 are returned with postal remark "Unclaimed". So, as the Respondent Nos. 1 & 2 have failed to receive the notice, the notices are deemed to have been served on them. Hence, it is a good service of the Respondent Nos. 1 & 2.

The notice of the Respondent No. 3 is returned unserved. As per the Bailiff report dated 28.11.2017, of the Court of Small Causes, Mumbai, the Respondent No. 3 has left the premises, so the Bailiff could not serve the notice.

The Ld. Advocate for the Appellant has filed an application to serve notice to the Respondent Nos. 1 to 3 by way of publication, but as discussed above, the notice to the Respondent No. 1 & 2 has returned unclaimed and it is a good service. The notice of the Respondent No. 3 will not be served by ordinary means, hence the application is partly allowed.

Issue notice to the Respondent No. 3 by way of substituted service, i.e. by way of publication in daily Newspaper (English) widely circulated in Mumbai. The Appellant has to pay the requisite fees, collect the notice, publish it and produce the published notice and file an affidavit of service.

Date: 30th January, 2020

(Kiran A. Bagi)
Registrar(Judicial)

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