

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1 OF 2020
IN
WRIT PETITION NO.2629 OF 2017**

Shantaram Dhondu Kotere Applicant
versus
Maharashtra Housing & Area
Development Authority & Anr. Respondents
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- Mr.Durgaprasad Sabnis, Advocate for Applicant.
- Ms.Manisha Jagtap, Advocate for Respondent.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 02nd MARCH, 2020.**

P.C. :

1. Interim application is not on board. Taken on board.
2. Heard learned Counsel for the parties.
3. By this application, the Applicant is seeking extension to time to carry out amendment as per order dated 18/03/2019 passed by this Court in Writ Petition No.2629/2017 and also to serve added Respondent by seeking substitute service as per Order 5 Rule 20 of the Code of Civil Procedure.

4. Learned Counsel for Applicant submits that this Court by order dated 18/03/2019 permitted the Petitioner to carry out amendment by adding the proposed Respondent Nos.3 and 4 in the present Writ Petition. He submitted that inadvertently it remained on their part to carry out same within time. He submitted that in the interest of justice this Court be pleased to extend the time to carry out amendment as per order dated 18/03/2019. If time is not extended, irreparable loss would be caused to him.

5. Considering the submissions made by learned Counsel for the Applicant and earlier order dated 18/03/2019, we are satisfied that the Applicant has made out case for extension of time to carry out amendment in Writ Petition No.2629/2017 as per earlier order dated 18/03/2019.

6. Learned Counsel for Applicant submits that the Applicant has sought permission to serve the Respondent Nos.3 and 4 by substitute service as per Order 5 Rule 20 of the Code of

Civil Procedure, in Writ Petition No.2629/2017. He submitted that, when they tried to serve the present application, they learnt that the premises where Smt. Laxmi D. Kotere (proposed Respondent No.3) resides, has been demolished and the premises in which Ms.Kamla S. Reuben (proposed Respondent No.4) resides, is under lock and key. He submitted that the Applicant tried to find out the present correct address from the neighbours after making enquiry, but nobody knows the present correct address of these two Respondents. In support of his contention, he relies on paragraph No.5 of the application. He submitted that in the interest of justice, this Hon'ble Court be pleased to allow the Applicant to serve the proposed Respondent Nos.3 and 4 by publishing notice in newspapers as per Order Order 5 Rule 20 of the CPC.

7. Considering the submissions made by learned Counsel for the Applicant, averments made in application, order dated 18/03/2019 and the averments made in paragraph No.5 of the application, we are satisfied that the Applicant has made out

case for extension of time to carry out amendment and also to serve the Respondent Nos.3 and 4 by substitute service. Hence following order is passed;

- (a) Time to carry out amendment as per order dated 18/03/2019 is extended till 21/03/2020.
- (b) The Applicant is permitted to serve added Respondent Nos.3 and 4 by substitute service as per Order 5 Rule 20 of the Code of Civil Procedure, by publishing notice in two leading newspaper on or before 30/04/2020 and file affidavit of service to that effect.
- (c) If affidavit of service is not filed within time, i.e. on or before 30/04/2020, Writ Petition shall stand dismissed against Respondent Nos.3 and 4 without referring back to the Court.
- (d) Interim Application stands disposed of accordingly.
- (e) No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)