

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.306 OF 2011

COMMUNIDADE FRATERNAL DE
ALDONA THRO ITS MANAGING
COMMITTEE, REP BY ITS ATTORNEY Petitioners
AND ANR.
V/S.
VILLAGERS OF ALDONA AND 42 ORS Respondents

Coram:- SMT. BHARATI H. DANGRE, J.

Date :- 12th February, 2021

P.C.:

This is a writ petition instituted in the year 2011 assailing two orders passed by the Civil Judge, Senior Division, Mapusa. The first amongst them being the order dated 05/10/2010 where the plaintiff was directed to take steps to serve the defendants as in the cause title the address of the defendant was not specific. The application was moved by the plaintiff on 21/10/2010 when it was prayed that necessary orders to be passed to serve the

defendants. On 21/10/2010 the application is dismissed with costs recording as under :

“Address given with the Cause title is not sufficient to serve the defendants plaintiff has not prayed in this application to serve the defendants by publication. No affidavit as required under oV R20 of C.P.C is filed by Plaintiff. Plaintiff has not disclosed in this application whether defendants are avoiding service or cannot be served by ordinary means, the order publish the summons /notice on defendants on daily local newspaper Goa Doot. Therefore this application is dismissed with cost.”

2. Against this order the present Writ Petition is preferred. The same is lying before this Court for more than a decade. Today when the matter was called out neither the petitioner nor the Counsel for the petitioner is present. It appears that the petitioner is not interested in prosecuting the said petition.

In any case considering the merits of the matter, since steps were not taken by the plaintiff to serve the defendants on an application moved, it is clearly observed that the address given in the

cause title is not sufficient to serve the defendants nor there is any averment in the application that the defendants are avoiding the service or service by an ordinary means, so that the steps in the alternative for serving the defendants is taken. In such circumstances no legal infirmity can be found in the impugned order. As there is no ground for interference, the present Writ Petition is dismissed.

SMT. BHARATI H. DANGRE, J.

mv

MEENA VISHAL
BHOR

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