

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

MISC. CIVIL APPLN. NO.41 OF 2021
IN
FIRST APPEAL NO. 145 OF 2019

VINOD DHAMAKLE

....Appellant

Vs

LUDVICK SEBASTIAN BARRETTO AND ANR

....Respondents

Adv. S. S. Kakodkar for the appellant.

REGISTRAR'S ORDER

The Appeal is admitted on 09.12.2019. The admit notices were issued to the respondents. The admit notice issued twice to respondent no.2. The notice dated 05.06.2020 returned unserved with bailiff report that during his visit the respondent no.2 was not found. So bailiff affixed notice on the outer main door of the conspicuous part of the house, however the witness present, refused to sign the report. Thereafter, the notice was re-issued on 02.12.2020. The said notice also returned unserved vide bailiff report dated 16.12.2020, wherein bailiff reported that the respondent no. 2 was not present at the time of service. He further reported that Mrs. Kunda Nalawade and Mr. Abhijeet Nalawade were present. The bailiff further reported that the aforesaid two persons informed that his mother Ms. kunda and

respondent no.2 had a divorce 6 years ago. Since then respondent no.2 is not staying with them and his whereabouts are not known. So they did not accept the notice and didn't allow the bailiff to affix it, on the conspicuous part of the house.

Therefore the Appellant has filed this application, to serve respondent no.2 by way of substituted service i.e. by publishing it in the daily newspaper. The application is supported by an affidavit. Considering the previous bailiff reports supports the contention raised in the application. It reveals that the notice to respondent no. 2 will not be served by ordinary means. Hence the application is allowed.

Issue notice to respondent no.2 by substituted service as prayed in para 3 of the application. Appellant to pay the process fees and to collect the notice. After publishing it, the appellant to produce the newspaper alongwith affidavit.

Application is disposed of in view of the above terms.

Date: 15th April, 2021

(Kiran A. Bagi)
Registrar (Judicial)