

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

CHAMBER SUMMONS NO. 915 OF 2019

IN

EXECUTION APPLICATION (L) NO. 2924 OF 2018

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The Shivsamarth Multi-State

Co-op. Credit Society Talmavle

.. Applicant/Plaintiff

v/s.

Mansukh Subhash Kachru and 2 Ors.

.. Respondents

Mr. Hemant Ghadigaonkar for the plaintiff.

None for the Respondents.

CORAM : A. K. MENON, J.

DATED : 29TH NOVEMBER, 2021.

P.C. :

1. Mr. Ghadigaonkar states that service could not be effected. On 20th October, 2021, time was granted to effect service. Today, it is submitted that attempts have been made to serve the respondent by post. The postal packet has been returned unserved with a remark 'Item returned'. The report also indicates that the postal packet is returned. In these circumstances, Mr. Ghadigaonkar states that he will make inquiries of the current whereabouts of the respondent and that the

applicant can be disposed of subject to the liberty to revive the application if the whereabouts of the respondents are traced. However, this request though reasonable, will have to be conditional. Accordingly, I pass the following order;

- (i) Chamber Summons is disposed of resulting liberty to the applicant/society to revise the application if the applicant ascertain the present whereabouts of the respondent.
- (ii) Upon such verification of the present whereabouts, applicant will have liberty to seek the amendment of the cause title so as to insert the correct address of the respondent.
- (iii) If this is done within a period of eight weeks from today, liberty to apply.
- (iv) If no application was made for amending cause title, Chamber Summons stands dismissed without further reference.
- (v) Chamber summons is disposed on the above terms.

(A. K. MENON, J.)