

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1735 OF 2022

IN

WRIT PETITION NO. 2689 OF 2020

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Dadhichi S. Mhaispurkar, Advocate for
the Applicant/Petitioner is present.

CORAM : V. R. KACHARE
REGISTRAR (JUDL-I)

Date : 21st March 2022

Mr Dadhichi S. Mhaispurkar, learned
Advocate for the Petitioner is present.
None present for the Respondents.

Advocate for the petitioner submits
that the Respondent No. 2 is borrower
and intentionally avoiding service of
notice to keep away from the
proceedings. He has drawn my attention
towards that the fact that even in the Trial
Court, the Respondent No. 2 was served
through paper publication only. He
further submits that notice forwarded
privately through speed post was returned
with endorsement "LEFT". He has filed
xerox copy of the returned envelope
showing the said remarks. This is nothing
but to avoid service of notice. Therefore,
there is no option but to serve the
Respondent No. 2 by substituted services
through paper publication as prayed for in
the Interim Application.

I have gone through the records, it appears that the Respondent No. 2 namely Mr. Deepak D. Tawade who was the Defendant No. 2 in the Special Civil Suit No. 204 of 2016 was served through paper publication only. Further, private notice sent by Advocate for the Applicant/petitioner returned with remarks 'LEFT'. The documents annexed with the petition show address of the Respondent No. 2 which is mentioned in the petition itself. Thus, I find substance in the application to allow substituted service to serve the Respondent No. 2 through paper publication.

Accordingly Interim Application is hereby allowed. The petitioner is permitted to serve the Respondent No. 2 by way of substituted services through paper publication in a Local Newspaper "Thane Vaibhav".

The petitioner is hereby directed to comply with this order within two days.

Returnable within three weeks from today, i.e., 12th April 2022.

Sd/-
REGISTRAR (JUDL-I)