

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2266 OF 2022

IN

FIRST APPEAL NO. 677 OF 2016

IN

SHORT CAUSE SUIT NO. 214 OF 1988

Shamim Sarfarazali Rana & Ors

... Applicants

Versus

M/s. Topandas Brothers and Anr

...Respondents

Adv. Anuus Narula i/b. Jhangiani, Narula and Associates for the Applicants.

Adv. Mr V.S. Kapse for Respondent No.2.

CORAM : ANUJA PRABHUDESSAI, J

DATE : 8th JULY, 2022

P.C. :

1. By this application, the applicants have sought to delete the name of appellant No.1, in view of her death/presumption of death, of having not been heard since last 7 years, and further to permit to serve the Respondent No.1 by way of substitute service, by publication.
2. Learned Counsel for the appellants states that though the name of the appellant No.1 was sought to be deleted on the ground of presumption, the appellants have now confirmed the death of appellant No.1. He states that the legal representative of the deceased Applicant No.1 are already on

record. Hence, the name of the appellant No.1, be deleted from the cause title. Necessary amendment be carried out in the cause title.

3. The Respondent No.1, had not contested the suit. It is stated that the notice issued to Respondent No.1, through bailiff and other modes of service has returned unserved. Hence, the appellant is directed to serve the Respondent by publication, returnable after six weeks.
4. Stand Over to 19.8.2022.

(ANUJA PRABHUDESSAI, J.)