

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

INTERIM APPLICATION NO. 346 OF 2021
IN
FIRST APPEAL (ST) NO. 27218 OF 2016
WITH
INTERIM APPLICATION NO. 1549 OF 2022
IN
FIRST APPEAL (ST) NO. 27218 OF 2016

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's order
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CORAM : H.M. BHOSALE
REGISTRAR (JUDL-II)

Date : 16/11/2022

Shri U.R. Singh Adv. for Appellant present
Shri Yash Awalkante i/b Law Counsellors for
Respondent No.1 present

The Interim Application No. 1549 of 2022 is filed on 13/12/2021 to serve Respondent Nos. 2 to 5 by way of substituted service.

The office placed before me report sent by bailiff as well as remarks by postal authorities. (The report is marked as 'X'.) It transpires from the record that notices to Respondent Nos. 2 to 5 were sent through court concerned as well as by R.P.A.D.

The notice issued to Respondent No. 2 returned with bailiff remark that, 'not residing on the given address'.

The notice issued to Respondent No. 3 returned with bailiff remark that, 'Respondent No. 3 has gone out of town'.

The notice issued to Respondent No. 4 returned with bailiff remark, 'the door is locked' and the neighbour informed that, Respondent No. 4 is not residing on the said address'.

The notice issued to Respondent No. 5 returned with bailiff remark, 'incomplete address'.

The notices issued by R.P.A.D. are returned with remark, "unclaimed and incomplete address".

Having considered aforesaid position, it would be just and proper to allow the service by all available modes. The Learned Advocate for the Appellants fairly submitted that he has no objection to allow the service by any mode. His basic concern is that Respondents should be served and matter should proceed.

In turn, Interim Application No. 1549 of 2022 stands allowed. The substituted service upon Respondent Nos. 2 to 5 is allowed in terms of prayer clause.

In addition to above, the office shall re-issue the notices to Respondent Nos. 2 to 5 with specific endorsement thereon that, the same

should be served by appointing Special Bailiff. It shall be requested to court concerned to see that, the notices should be served. If there is any reason for non-service, the bailiff concerned shall file affidavit to that effect. Thereafter, the said affidavit along with report shall be forwarded to this Court forthwith.

In addition to above two modes, the notices shall also be sent through R.P.A.D.

The learned Advocate for the Appellant to do needful viz. to supply copies or pay the required charges, if any, so that office will comply with the aforesaid directions.

List after eight (8) weeks.

sd/-

REGISTRAR (JUDL-II)