

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1724 OF 2022

IN

COMMERCIAL SUIT NO. 74 OF 2021

National Stock Exchange of India Ltd. ... Applicant/Plaintiff

vs.

Fairwealth Securities Ltd & Ors. ... Defendants

Mr. Ranjeev Carvalho a/w. Mr. Sachin Chandarana and Mr. Akshay Dhaylalkar i/b. M/s. Manilal Kher Ambalal & Co. for the Plaintiff.

None for the Respondent.

CORAM : A. K. MENON, J.

DATED : 29th JUNE, 2022

P.C. :

1. Mr. Carvalho appearing in support states that defendant nos. 1 to 6 could not be served at the last known address mentioned in the cause title of the plaint for reasons set out in the affidavit of the bailiff of Sheriff of Mumbai. That the defendants have shifted from those addresses. The current addresses are said to be unavailable on the website of the Ministry. He further submits that service has been effected at the email address provided by the company on the website of the Ministry of Corporate Affairs. At the ad-interim stage no appearance has been filed.

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2. However since the record indicates that defendants have never appeared or contested the matter for all these years Mr. Carvalho submits that an ad-interim order passed by the court was served by publication and there is no scope for locating this company, if they are at all functional He relies upon statement in the interim application. Having heard the learned counsel for parties and having perused the record I pass the following order :

- (i) Interim Application is allowed in terms of prayer clause 9(i) and 9(ii).
- (ii) Publication shall be effected in newspapers widely circulated in English and vernacular languages in respect of each of the defendants separately at their last known locations.
- (iii) Meanwhile affidavit of Bailiff of Sheriff of Mumbai annexing inability to serve summons on the defendants shall also be taken on record.
- (iv) Time to serve Writ of summons is extended upto 12 weeks from today.
- (v) Interim Application disposed in the above terms.

(A. K. MENON, J.)