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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO.1229 OF 2021
IN
COMS SUIT NO.64 OF 2021

Platinum Hospitalities

...Applicant/
Plaintiff

Versus

Kamini Events & Planners & Ors.

...Defendants

Ms. Sheetal Shah with Ms. Dimple D. Bitra with Ms. Rashi Sheth i/b.
Mehta and Girdharlal for the Plaintiff/ Applicant.

CORAM : R.I. CHAGLA J

DATE : 24TH AUGUST, 2022

ORDER :

1. Heard learned Counsel for the Applicant / Plaintiff.
2. By this Interim Application, the Applicant is seeking permission to serve Writ of Summons by substituted service by publication as directed by this Court. The Applicant has stated that the Suit was filed on 9th March, 2021 and at the requests of the

Advocate for the Plaintiffs, Writ of Summons was issued on 1st April, 2021. The bailiff appointed had attempted service of Writ of Summons on the Defendants. This was on 9th April, 2021 when the bailiff went to the office of Defendant No.1 along with representative of Plaintiff to serve Writ of Summons on Defendant Nos.1 to 4 along with copy of Plaint at the last known address of the Defendants. However, on reaching the office, the Defendant Nos.1 to 4 were not found at the address and on making enquiries with the leave and license holder at the said address, the bailiff as well as representative of the Plaintiff were informed that the Defendant Nos.1 to 4 had left their premises since last three years and that their present address or whereabouts is unknown. A copy of the Affidavit proving non service of Writ of Summons on Defendant Nos.1 to 4 dated 15th April, 2021 is at Exhibit A to the Interim Application. Appended thereto is the bailiff report which states that the Defendant Nos.1 to 4 have left the premises since three years back and present address is unknown. In view thereof, a service of Writ of Summons has not been effected on Defendant Nos.1 to 4.

3. Having considered the averments in the Interim Application as well as perusing the bailiffs report, a case is made out

for grant of the relief as sought for in the Interim Application. Hence, the following order:-

(i) The Applicant / Plaintiff is permitted to serve Writ of Summons by substituted service through publication in two newspapers, one in Free Press Journal (English) and the other in Navshakti (Marathi).

(ii) The Applicant / Plaintiff shall issue publication in the newspaper for service of Writ of Summons within a period of three weeks from the date of this Order.

(iii) The time for issuance of Writ of Summons is extended by aforementioned period of three weeks.

(iv) The Interim Application is disposed of in the above terms.

[R.I. CHAGLA J.]