

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2902 OF 2021
WITH
INTERIM APPLICATION NO. 1042 OF 2019
IN
SUIT NO. 191 OF 2020**

Shrikant Deepak Sabnis ... Applicant/Orig. Plaintiff

Versus

Aarti Uday Mhaskar & Anr. ... Defendants

Mr. Arjun Dev i/b Dewani Associates for the Applicant/Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 21st MARCH, 2022.

ORDER :

1 By this Interim Application the Applicant is seeking direction to the Registry to issue fresh writ of summons on the current temporary address of the Defendants i.e. Bungalow No.32-B, Kalyan Shil Road, Dnyaneshwar Nagar Dombivali East-421201, along with permission to do private service in addition. An affidavit of service dated 03.01.2020 has been annexed which shows the papers and proceedings have been served upon the Defendants as confirmed by the postal authorities on

23.12.2019. The Defendants have also personally acknowledged the same which has been received on 23.12.2019. The Defendants inspite of service has not made an appearance. The Plaintiff had also sought to serve the proceedings through the bailiff but the noting shows that it was unclaimed. The affidavit of service of the bailiff is dated 25.08.2020.

2 Accordingly, the office is directed to issue notice to the Defendants, returnable on 19.04.2022. In addition, the Plaintiff shall once again serve the Defendants notice of the proceedings by way of private notice and shall file affidavit of service on or before the next date. It is made clear that in the event the Defendants remains absent on the next date, the relief sought for in the Interim Application shall be considered in their absence.

3 Notice of this order shall also be served by the Advocates for the Plaintiff on the Defendants and mention made of this in the affidavit of service to be filed.

4 In view of this order, nothing remains in Interim Application No.2902 of 2021, which is accordingly disposed of.

(R.I. CHAGLA, J.)

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signed by
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SUSHIL
WAGHMARE
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