

Sharayu Khot.

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

INTERIM APPLICATION NO. 2756 OF 2021

IN

COMMERCIAL SUIT NO. 621 OF 2018

Blue Diamond Construction Co.

...Applicant/
Plaintiff

Versus

Maan Housing Development & Ors.

...Defendants

Ms Aishah Shekhani i/by Mr. Vishal S. Shriyan for the
Applicant/Plaintiff.

Ms. Kausar Banatwala i/by Tushar Goradia for the Defendant
No. 4.

Mr. Mayur Rita i/by Dhiren H. Shah for the Defendant Nos. 5
to 7.

CORAM : R.I. CHAGLA J

DATE : 30 March 2022

ORDER :

1. Heard learned Counsel for the parties.

2. By this Interim Application, the Applicant/original
Plaintiff has sought permission to effect substituted service of
writ of summons upon the Defendant Nos. 1 to 3 by way of

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publication in the newspapers Free Press Journal (English) and Navshakti (Marathi).

3. The Defendant Nos. 4 to 7 have been served and they are represented by their respective advocates who are present in Court.

4. The Applicant/Plaintiff has stated that though the writ of summons were issued and dispatched to each of the seven Defendants in the Suit, the Defendant Nos. 1 to 3 were unable to be served, as the packets sent are shown as 'Left'. Affidavit of Service of Bailiff and clerk working with the office of the Sheriff in Mumbai has filed their Report.

5. Accordingly, the present Interim Application has been filed.

6. Having perused the averments in the Interim Application as well as the submissions of the learned Counsel appearing for the Applicant/original Plaintiff, a case has been made out for grant of the relief sought for. Hence the following

order :-

- (i) The Applicant is permitted to effect substituted service of writ of summons upon the Defendant Nos. 1 to 3 by way of publication in the newspapers Free Press Journal (English) and Navshakti (Marathi).
- (ii) The Applicant shall effect above substituted service within a period of one week from the date of this order.
- (iii) Interim Application is accordingly disposed of in the above terms.

[R.I. CHAGLA J.]