

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 18 OF 2023
IN
APPEAL FROM ORDER NO. 22 OF 2021**

Akash Chaudhary & anr.

... Applicant

Versus

Joyce Isabel Pinto E. D'Souza & 11 Ors.

...Respondents

Mr. G. Panandikar, Advocate *for the Applicant.*

Ms. S. Drago, Advocate *for the Respondent nos. 1 and 2.*

CORAM: B. P. COLABAWALLA, J
DATED: 17th JANUARY 2023

P.C.

1. The above application is filed seeking to serve Respondent No. 11 by publication as contemplated under Order V Rule 20 of the Code of Civil Procedure (CPC).

2. In the present matter, by an earlier Order dated 02.08.2022 passed in Misc. Civil Application No. 97 of 2022, Respondent Nos. 11 and 12 were permitted to be served by affixation at their last known address. Accordingly, the Applicants-Appellants herein tried to serve Respondent No. 11 through affixation but the service report is still awaited and hence the said Respondent has not been served till date. It is for this reason that a prayer is sought to allow the Applicants-Appellants to serve Respondent No.11 by publication in a local daily

newspaper circulating in the locality of the last known address of Respondent No.11.

3. Having heard the learned Counsel appearing on behalf of the Applicants-Appellants, it is ordered that the Applicants-Appellants shall serve Respondent No. 11 by publishing the notice in the two local newspapers one in English (Free Press Journal) and one in Marathi (Navshakti), returnable on 14.02.2023.

4. The Appellants-Applicants shall file an affidavit of service proving the publication as ordered herein above on or before the next date.

5. The above Misc. Civil Application is disposed of in the aforesaid terms.

6. Place the above Appeal from Order on board for directions on 14.02.2023.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J