

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2320 OF 2023
IN
FIRST APPEAL NO. 174 OF 2020

Office Notice Office Memoranda of Coram Appearances, Court's Orders or directions and Registrar's orders	Court's or Judge's Orders
Adv. Mehul Khetia i/by. M/s. Sanjay Udeshi present for Appellant. <u>CORAM :- SHRI. S. R. AGRAWAL</u> <u>REGISTRAR (JUDL.-II)</u> Dated :- 16th MARCH, 2023 Perused. Notice issued to Respondent No. 2 has been returned unserved with Bailiff Remark, "The said Respondent No. 2 is not residing at given address, hence pasted on the common entrance of the premises". Pursuant to the Order dated 23.12.2022 passed by the Registrar (Judl.-II), Appellant had tried to serve a copy of the First Appeal upon the Defendant No. 2 on 11.01.2023, but were unable to do so as the Defendant No. 2 is not residing at the concerned address and furthermore, the address	

mentioned in the cause title of the First Appeal is the last known address to the Appellants. Thereafter, the Appellants have filed an Affidavit of Service dated 12.01.2023 with respect to the Service being tried upon the Defendant No. 2 and hence after that the Appellants have filed the above captioned Interim Application requesting for Substitute Service by way of Publication upon the Defendant No. 2 in the above mentioned First Appeal. The learned Advocate for Appellant is not aware about detail address than mentioned in title. Thus, only option is left is to serve the Respondent Nos. 2 by way of substitute service.

Address mentioned of Respondent No. 2, in the above Notice is same as mentioned in the memo of First Appeal and Interim Application and also in Judgment of the Lower Court.

In turn, Interim Application No. 2320 of 2023 (for substituted service) is allowed in terms of prayer Clause (a), returnable by 06 weeks.

Sd/-
Registrar (Judl.- II)