

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4136 OF 2016
IN
FIRST APPEAL NO. 1004 OF 1997**

Mohamed Islam Mumtaz Ahmed
(deceased) through LRs and Ors. ...Applicants

Versus

Abdul Gafoor Sherali (deceased) through
Lrs and Ors. ...Respondents

**SNEHA
NITIN
CHAVAN**

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Date: 2023.12.08
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Mr. R.M. Haridas with Nilesh Wable for the Applicants
None for the Respondents.

**CORAM : M.M.SATHAYE J.
DATE : 7th DECEMBER 2023**

PC. :

1. Not on board. Taken on board. Heard learned counsel Mr. Haridas for the Applicants/original Appellants.

3. This is an application for substituted service upon Respondent Nos. 1d(1) to 1d(7) and 1h(1) to 1h(3) by newspaper publication.

4. Learned counsel for the Applicants submitted that despite best efforts of the Applicants/Appellants, the service upon the said Respondents could not be effected by usual modes. He submitted that efforts of court service upon the said Respondents have failed owing to change of address and the new addresses could not be

found by them, despite their best efforts. He submitted that the Applicants even tried to request the Advocate appearing for relatives of the said Respondents, however the request was not accepted. He, therefore, submitted that in such facts and circumstances, the only mode available now to serve the said Respondents is by publication in the local newspaper circulated in the area where they were last known to reside or carry on business.

5. Considering the submissions made by the learned counsel for the Applicants and the averments made in the application, civil application is allowed in terms of prayer clause (a). The notice to be published in the newspaper, is made returnable after 8 weeks.

6. Interim application is disposed of accordingly.

7. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M.SATHAYE,J.]