

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

INTERIM APPLICATION NO.13788 OF 2023

IN

FIRST APPEAL (ST) NO.3489 OF 2021

SHRI. FARMAN ALI IBRAHIM BHOMBAL)...APPLICANT

V/s.

SITARAM CHOTELAL ADIWASI & ORS.)...RESPONDENTS

WITH

INTERIM APPLICATION NO.16730 OF 2022

IN

FIRST APPEAL (ST) NO.3489 OF 2021

Ms.Shagufa Patel i/by Ms.Yashasvita Apte, Advocate for the Applicant/
Appellant.

CORAM : ABHAY AHUJA, J.

DATE : 3rd AUGUST 2023

PC. :

1. This Interim Application seeks substituted service by publication of notice on Respondent no.2 on the ground that the said notice had been returned with the remarks 'Unclaimed' when it was sought to be served at the last known address of the Respondent no.2. Learned Counsel for the Applicant would submit that the Respondent no.2 resides in Ghaziabad area of Uttar Pradesh and accordingly, the publication of the notice be allowed in local newspapers of Ghaziabad.

2. Having heard the learned Counsel and having perused the application, the application is made absolute in terms of Prayer clause 10(i).
3. Let the publication be made within a period of four weeks and let an appropriate affidavit enclosing the said publication be filed within a period of two weeks thereafter.
4. Interim Application stands disposed.

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5. Learned Counsel informs that service to Respondent no.1 is not complete, and therefore, a fresh notice be issued.
6. Re-issue notice to Respondent no.1, returnable on **31st August 2023**.
7. Let an appropriate affidavit of service be filed within a period of two weeks thereafter.
8. List on **14th September 2023**.

(ABHAY AHUJA, J.)