

K.S. Jadhav

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

INTERIM APPLICATION NO.557 OF 2021

IN

SUIT NO.830 of 2019

Ganesh Raut

...Applicant/Plaintiff No.2

In the matter between

M/s Rahul Hotel & Ors.,

...Plaintiffs

Versus

Geeta Raj Sekhar & Ors.,

...Defendants

Mr. Shahrukh Shaikh i/b Mr. Rohit Shetty, Advocate for
Applicant/Plaintiff No.2.

CORAM : R.I. CHAGLA J.

DATE : 3RD FEBRUARY, 2023.

ORDER :

1. By this Interim Application, the Applicant/Original Plaintiff No.2 has sought permission to serve the Writ of Summons upon the Defendants by substituted service i.e. by public notice in two newspapers, one in English and one in Kannada local language newspaper circulated at Bangalore.

2. The Applicant has stated that the Writ of Summons had sought

to be served upon the Defendants through Registered Post AD from the office of the Bailiff of the Sheriff of Mumbai. However, the service was not effected on two occasions and the Postal Department had returned the packets with the endorsement "left without instructions". There are two Affidavits of Service of the Bailiff attached to the office of the Sheriff, Mumbai which is marked at Exhibit-1 and Exhibit-2 to the Interim Application.

3. Accordingly, the present Interim Application has been taken out for substituted service as original service upon the Defendants has not been possible at the last known address of the Defendants.

4. I have considered the averments of the Interim Application as well as taking note of the two affidavits of the Bailiff for service of Writ of Summons. The service on the Defendants could not be effected by Registered Post AD on two occasions. Hence, leave sought for substituted service by paper publication which requires to be granted. Hence, the following order is passed :

(i) The Plaintiffs are permitted to serve the Writ of Summons upon the Defendants by publishing the Writ of Summons in two widely circulated newspapers one in English

and one in Kannada local language newspaper at Bangalore.

(ii) The paper publication shall be carried out by Plaintiffs within a period of three weeks from the date of this order.

(iii) The Plaintiffs are also permitted to place the Writ of Summons on the Notice Board of this Court.

(iv) Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]