

Sharayu Khot.

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

INTERIM APPLICATION NO. 1361 OF 2022

IN

COMMERCIAL SUIT NO. 117 OF 2021

Geekay Enterprises

...Applicant/
Plaintiff

Versus

Ganesh Builders & Ors.

...Defendants

Mr. Iram Memon for the Plaintiff.

Dhawani Bokaria i/by M/s. Purnanand & Company for the Defendant
No. 7.

CORAM : R.I. CHAGLA J

DATE : 6 January 2023

ORDER :

1. By this Interim Application, Applicant is seeking an order for extension to the returnable date of writ of summons by period of eight weeks, as the writ of summons has not been served on the Defendant Nos. 4, 6, 10 to 29 as well as applying for substituted service.

2. There is an Affidavit filed by the bailiff of the Sheriff's office which shows that the Defendant Nos. 4, 6, 10 to 29 have not been served at the address mentioned in the cause title of the Suit

against their names, in view of their not residing at that address. Their whereabouts are also unknown. Affidavit of the bailiff is dated 18th December 2021.

3. Though the present Interim Application has sought for substituted service of pasting a copy of the writ of summons along with copy of the Plaint at the address of the Defendant Nos. 4, 6, 10 to 29, this will not serve the purpose considering that these Defendants are not residing at the said premises.

4. Accordingly, the Applicant/Plaintiff is permitted to issue notice by way of paper publication in the widely circulated newspapers (1) in Free Press Journal (English language) and (2) Navshakti (Marathi language), which shall be carried out within a period of three weeks from the date of this order.

5. The returnable date of the writ of summons is accordingly, extended by a period of four weeks from the date of this order.

6. Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]