

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**INTERIM APPLICATION (L) NO. 2147 OF 2021
IN
COMMERCIAL SUIT NO. 1364 OF 2018**

Krishnan Gopala Vishwanath ... Applicant/Plaintiff

Versus

Maratha Sahakari Bank Ltd. & Ors. ... Defendants

Mr. Dhananjay Deshmukh i/b Garfield Mendonca for the
Applicant/Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 10th APRIL, 2023.

ORDER :

1 By this Interim Application the Applicant/Plaintiff has sought substituted service on Defendant Nos.2 to 9 of writ of summons and copy of Plaint. Defendant Nos.1 and 10 have been served.

2 The Applicant has stated that an attempt was made to serve Defendant Nos.2 to 9 with writ of summons and copy of Plaint but the same has been returned with the remarks mentioned in the tabular form at paragraph 3 of the Interim Application. Thus, service has not been effected. The Applicant has placed reliance upon the tracking reports

evidencing the attempted service on these Defendants which is at Exhibit-B to the Interim Application.

3 Accordingly, the present Interim Application has been filed for leave to serve the writ of summons by way of publication in a daily newspaper.

4 Having perused the averments in the Interim Application as well as taking note of the fact that though service on Defendant Nos.2 to 9 was attempted, the service was unsuccessful. This is borne out from the tracking reports annexed as Exhibit B to the Interim Application. The relief sought of substituted service requires to be granted. Hence, the following order :

- i) The Applicant/Plaintiff is permitted to serve writ of summons and copy of Plaint on Defendant Nos.2 to 9 by way of substituted service by publishing the summons in two newspapers, one in Free Press Journal (in English language) and the other in Navashakti (in Marathi language) within a period of three weeks from the date of this order.
- ii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

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