

K.S. Jadhav

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

INTERIM APPLICATION NO.1042 OF 2019

IN

SUIT NO.191 of 2020

Shrikant Deepak Sabnis

...Applicant/Plaintiff

Versus

Aarti Uday Mhaskar & Anr.,

...Respondents/Defendants

Mr. Shayam Dewani a/w Mr. Chirag Chanani i/b Dewani
Associates, Advocate for Applicant/Plaintiff.

CORAM : R.I. CHAGLA J

DATE : 9TH JANUARY, 2023.

ORDER :

1. In the prior Interim Application No.2902 of 2021, this Court by an order dated 21st March, 2022 had considered the directions sought by the Applicant for issuance of fresh Writ of Summons on the current temporary address of the Defendants alongwith permission to do private service.

2. The record shows that the Defendants had been served with the papers and proceedings and an Affidavit of Service

dated 3rd January, 2020 had been filed to that effect. The Defendants had personally acknowledged the service on 23rd December, 2019. The Defendants inspite of the service has not made an appearance. The service through the Bailiff shows a noting that it was unclaimed. The Affidavit of Service of the Bailiff is on record dated 25th August, 2020. The office was directed to issue notice to the Defendants, returnable on 19th April, 2022. In addition, the Plaintiff was directed to serve Notice of the proceeding on the Defendants by way of private mode and file the Affidavit of Service before the next date.

3. It is made clear that if the Defendants are absent on the next date, the relief sought for in the Application can be considered in their absence.

4. Notice of this order was directed to be served by the Advocates of the Plaintiffs on the Defendants and mention made in a Affidavit of Service to be filed.

5. The Affidavit of Service does not appear to be on record of this Court. The Learned Counsel for the plaintiff states that Affidavit of Service has been filed and he undertakes to furnish

a copy of Affidavit of Service, which has been filed.

6. In view thereof, place the Interim Application No.1042 of 2019 filed in Suit No.191 of 2020 on 16th January, 2023.

7. In the event, the Defendant has been served with the notice of the order dated 21st March, 2022 as well as fresh notice of the proceedings, and they have in spite of the notice, not made an appearance before this Court, no further adjournment would be granted in the matter and the Interim Application will be heard in their absence.

8. Notice of this order shall also be served on the Defendants by the Advocates for the Applicant/Original Plaintiff and further Affidavit of Service shall be filed on or before next date.

9. Stand over to 16th January, 2023.

[R.I. CHAGLA J.]