



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.472 OF 2024

IN

SECOND APPEAL NO.72 OF 2019

RADHAKRISNA SHET.,

... APPLICANT

Versus

VITHAL KRISHNA PARAB AND 5 ORS.,

... RESPONDENTS

Ms Susan Linhares, Advocate for the applicant.

Mr Vithal Naik, Advocate for respondent No.6.

CORAM:- NIVEDITA P. MEHTA, J.

DATED :- 29th November, 2024

P.C.:

This is an application filed by the applicant for serving respondent No.4 by way of publication.

2. It is contended by the applicant that the Court had issued notice to respondent No.4 on several occasions i.e. on 03.05.2019, 15.06.2023, 08.03.2024. However, respondent No.4 remained unserved as the bailiff was not in a position to locate his residence. Earlier the MCA No.1338 of 2024(F) was filed by the applicant to serve respondent No.4 by way of publication. However, in the meantime, respondent Nos.1 and 2 furnished respondent No.4's full name and address and the applicant has filed another MCA No.300 of 2023 to issue fresh notice to respondent No.4. The Court vide order

dated 23.08.2024 issued a fresh notice to respondent No.4 on the address furnished by respondent Nos.1 and 2. In view of the fresh notice issued to respondent No.4 vide order dated 23.08.2024, the applicant withdrew the earlier application bearing MCA No.1338 of 2024 (F) and sought liberty to file afresh at a later stage, if necessary.

3. The learned counsel for the applicant informed the Court that the applicant had tried to serve respondent No.4 at the new address but the same has been returned unserved. In such circumstances, the learned counsel for the applicant prays that respondent No.4 be served by way of publication in the local newspaper having wide circulation in Bicholim and Ponda Taluka. The application is allowed and the applicant is permitted to serve respondent No.4 by publication. The application is disposed of.

4. List the appeal on 17.01.2025.

NIVEDITA P. MEHTA, J.