

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16544 OF 2022

IN

FIRST APPEAL NO.386 OF 2021

M/s. Toshee Builders : Applicant/Appellant

Vs.

Sukharibai S. Bhandari

Since deceased through legal heirs

Mrs. Barkubai Vaman Bhandari & Ors. : Respondents

Adv. Dikshita More h/f Adv. Bipin Joshi, for the Applicant/Appellant.

CORAM : KISHORE C. SANT, J.

DATE : 2ND MAY, 2024

PC. :

1. This Application is filed by the Original Appellant for service of Respondent Nos.1(C) to 1(L), 4, 5, 7, 11, 12, 25 & 26 by paper publication. It is stated in the Application that in spite of attempts to serve these Respondents, they could not be served. This Court had passed an order dated 13th October, 2021 directing to serve the Respondents through private notice and file Affidavit to that effect. However, they could not be served despite due diligence.

2. For the reasons stated in the Application, the Application is allowed.

3. Office to issue fresh notice by way of paper publication in the news paper published in the area where the Respondents are residing, in Free Press Journal (English) and Nav Shakti (Marathi), returnable on 4th July, 2024. The Applicant to ensure that the notices are published at least 2 weeks prior to the returnable date.
4. The Application stands disposed of.

(KISHORE C. SANT, J.)