

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11605 OF 2024
IN
CIVIL REVISION APPLICATION ST. NO.9823 OF 2024

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
CORAM : <u>S.R. AGRAWAL</u> <u>REGISTRAR (JUDL. - II)</u> DATE : 12th August, 2024 Advocate R.H. Bhandari i/by J.P. Thakkar for Applicant Present. The learned Advocate for the Applicant has filed present Interim Application No.11605 of 2024 to serve Respondent No.2 by way of substitute service. As per office note, the notice issued to Respondent No.2 is returned unserved with Bailiff's remark dated 17/05/2024, "not found and on inquiry with Mr.Sunil Upadhayay i.e. brother of Respondent No.2, it was informed that Respondent No.2 has gone out and no fixed time or day of his return and he declined to accept the said notice on behalf of Respondent No.2". The learned Advocate for Applicant is not aware of any other address of Respondent No.2. Thus, only option left is to serve the	

Respondent No.2 by way of substitute service of notice i.e. by papers publication and by affixing the notice on the conspicuous part of house of Respondent No.2.

The address of above Respondent No.2 mentioned in the notice is same as mentioned in the Interim Application and in the memo of Civil Revision Application as well as R.A.D. Suit No. 4088 of 1987 before the Trial Court.

In turn, Interim Application No.11605 of 2024 for substitute service summon is allowed. Hence, the office is directed to issue notice to the Respondent No.2 and concerned bailiff be directed that in case Respondent No.2 does not found on the address, then notice be affixed on the outer door or some other conspicuous part of his premises, as provided under Order 5, Rule 17 and 19 of the Code of Civil Procedure. Also issue notice by way of paper publication to the Respondent No.2.

The learned Advocate for the Applicant is directed to collect the publication notice within 02 (two) weeks and submit service affidavit with paper cutout within 04 (four) weeks.

sd/-
Registrar (Judl. - II)

