

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12655 OF 2024
IN
FIRST APPEAL NO. 1097 OF 2023

Shankar Raghunath Mhatre Deceased Through Its ...Applicants
LRs Parvatibai Shankar Mhatre & Ors

In The Matter Between

Shankar Raghunath Mhatre Deceased Through Its ...Appellants
LRs Parvatibai Shankar Mhatre & Ors

Versus

Ramchandra Maruti Kathwale & Ors ...Respondents

Mr Rajesh S Datar, with Akshay Kandarkar, for the Applicants.

Mr Amogh Singh, with Jeet Gandhi, for Respondent No. 49.

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CORAM: ARIF S. DOCTOR, J
DATED: 14th November 2024

PC:-

1. Mr Datar, Learned Counsel for the Applicants Submits that except for Respondent No. 49, the other Respondents have been continued to evade service and, therefore, remained unserved. He, therefore, makes a prayer for substitute service and thus has filed the present Interim Application for substituted service.

2. Having regard to the averments made in the Interim Application, I deem it fit to allow the Interim Application in terms of prayer clause (a), which reads thus:

“(a) that notice of above First Appeal No. 1097 of 2023 be served upon Respondent Nos. 40 by publishing the same in local newspaper viz. Daily Sagar having circulation in Thane District under the provisions of Order 5 Rule 20 of the Code of Civil Procedure, 1908.”

3. Let the service be completed and Learned Counsel for the Appellants to file an Affidavit of Service in compliance thereof within a period of six weeks.
4. The Interim Application is disposed of in these terms.

(ARIF S. DOCTOR, J)