

ksa

Before : Shri E B. Sivakumar,
Addl. Registrar (O.S.)/
Addl. Prothonotary and Senior Master

Date : 19th March, 2024.

FOR DIRECTION :

10. CHOL/95/2024 (ECHCBM0203332024)

In

TP/2863/2023

Mr. Sagar Parab a/w. Darshan Suvarana, Advocate
i/b. Vigil Juris for Petitioner.

1) The present Chamber Order is taken out to serve the Citation upon 1) Sanjay Kokilkant Majmudar ; 2) Rajesh Kokilkant Majmudar ; 3) Binoti Nutan Majmudar ; 4) Nikunj Bhadresh Mehta ; 5) Aksha Bhadresh Mehta alias Aksha Patel ; 6) Monal Bhadresh Mehta ; 7) Kinjal Bhadresh Mehta by way of substituted service as per the Schedule annexed to the Chamber Order.

2) Perused Schedule. The Petitioner is seeking permission to publish the Citation in two newspapers viz. "Free Press Journal" in English Language and in "Gujrat Samaachar" in vernacular language i.e. Gujarati.

3) Perused the Affidavit dated 13th February' 2024 annexed to Chamber Order. In Para-3 of the said Affidavit, it is stated that the citation sent through the Office of Sheriff of Mumbai to all the next kin of the deceased. It is further stated that the citation sent through the Office of Sheriff of Mumbai could not be served aforesaid next of kin of the deceased.

The petitioner has also filed affidavit of service dated 16.1.2024. It is mentioned that the citation sent to the legal heirs through the Office of Sheriff of Mumbai were returned by the postal department with a remark "item returned, addressee left without instructions".

...2/-

4) Para 5 - The petitioner has sought permission to serve citation upon aforesaid 7 persons by way of substitute service by publication of citation in local newspapers one in “Free Press Journal” in English Language and in “Gujarat Samaachar” in vernacular language i.e. Gujarati.

5) Perused the Petition, it is mentioned and confirmed that the averment made in the Affidavit in respect of the whereabouts of next of kin of the deceased which are not known to the Petitioner.

6) Hence, for the reasons stated in Affidavit dated 13th February’ 2024 annexed to the Chamber order and averment made in the Petition, the present Chamber Order is granted, and the same is signed separately.

7) Publication of Citation to be done one in English newspaper in “Free Press Journal” and one in “Gujarat Samaachar” in Gujarati newspaper in vernacular language, within four weeks from the date of uploading the order. Office is directed to issue fresh Citation, if required.

8) Advocate to file Affidavit annexing therewith the newspapers within two weeks once, the publication is done.

19.03.2024

Addl. Registrar (O.S.)/
Addl. Prothonotary and Senior Master.