

msm

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

Date : 17th April, 2024.

FOR DIRECTION :

10.CHOL/163/2024
In
TP/5137/2022

Ms. Swati S. Mathkar i/b. Manish N. Bijutkar, Advocate for the Applicant / Petitioner.

P.C. : 1. The present Chamber Order is taken out to serve the Citation upon the legal heirs of the deceased viz. Roydon D'Souza; Son of Haret D'Souza nee Haret Francis Alvares (Grandson of the deceased), Renton D'Souza; Son of Haret D'Souza nee Haret Francis Alvares (Grandson of the deceased), Rona Fernandes; Daughter of Haret D'Souza nee Haret Francis Alvares (Grandniece of the deceased) and Renita Mathais; Daughter of Haret D'Souza nee Haret Francis Alvares (Grandniece of the deceased) by way 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

..2/-

Journal” in English Language and in “Navashakti” in vernacular language i.e. Marathi.

3. Perused the Affidavit dated 21st March, 2024 annexed to Chamber Order. The Petitioner had stated in the Affidavit that the Petitioner is not aware of the whereabouts of the legal heirs of the deceased viz. Roydon D’Souza; Son of Haret D’Souza nee Haret Francis Alvares (Grandson of the deceased), Renton D’Souza; Son of Haret D’Souza nee Haret Francis Alvares (Grandson of the deceased), Rona Fernandes; Daughter of Haret D’Souza nee Haret Francis Alvares (Grandniece of the deceased) and Renita Mathais; Daughter of Haret D’Souza nee Haret Francis Alvares (Grandniece of the deceased). It is further stated in the Affidavit that the Petitioner is unable to trace out the legal heirs of the deceased and could not trace out their addresses. The Applicant therefore requested to permit him to publish the Citation by way of substitute service by publication.

4. Perused Para-9 of the Petition, it is mentioned and confirmed that the averment made in the Affidavit in respect of the addresses not known to the Petitioner.

5. Hence, for the reasons stated in Affidavit dated 21st March, 2024 annexed to the Chamber order and averment made in Para-9 of the Petition, the present Chamber order is granted, and the same is signed separately.

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

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

17.04.2024

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