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

Date : 27th August, 2024

CALLED FOR DIRECTION:

7.CHOL/381/2024

In

S/273/2023

) **Mr. Anukul Seth, Advocate for the Applicant /**
) **Plaintiff.**

)
) **Ms. Disha Mehta i/b. M/s. Bilawala & Co.,**
) **Advocate for the Defendant Nos. 6 and 7.**
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) P. C. : 1. The present Chamber Order is taken out
) to serve the Writ of Summons upon the
) Defendant No.4 viz. Sahil Tarunkumar Shah
) and Defendant No.5 viz. Akash Tarunkumar
) Shah, by way substituted service as per the
) Schedule annexed to the Chamber Order.
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) 2. Perused Schedule. The Plaintiff is
) seeking permission to publish the Writ of
) Summons in two newspapers viz. “Free Press
) Journal” in English Language and
) “Navshakti” in vernacular language i.e.
) Marathi.
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) 3. Perused the Affidavit dated 8th August,
) 2024 annexed to Chamber Order. It is stated in
) the said Affidavit that the last known address
) of the Defendant Nos.4 and 5 available with
) the Plaintiff is 404, Deshmukh Towers,
) Deshmukh Lane, VP Road, Sikka Nagar,
) Charni Road (East), Mumbai – 400 004. It is
) further stated that the copy Suit and Interim
) Applicant (L) No.37670 of 2022 were
) served ..2/-

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upon the Defendant Nos.4 and 5 on 7th December, 2022 and at the time of hearing of Interim Application on 15th December, 2022 and 19th January, 2023, the Defendant Nos.4 and 5 had been duly represented by an Advocate. It is further stated in the said Affidavit that when the Bailiff had made an attempt to serve the Writ of Summons upon Defendant Nos.4 and 5 on 24th April, 2024 at the last known address, he was informed by the occupant that the Defendant No.4 and 5 had sold the premises and left. Therefore, the Writ of Summon could not be served upon the Defendant Nos.4 and 5. A copy of the Affidavit of Service dated 15th June, 2024 is at Exhibit – “C”.

4. Heard. The Ld. Advocate for the Plaintiff submits that the Defendant Nos.4 and 5 had accepted the service of Interim Application and Suit as also represented by an Advocate at the time of hearing and now the Defendant Nos. 4 and 5 could not served with the Writ of Summons as somebody else is occupying the last known address of the said Defendants. He further submits that since the attempt to serve the Writ of Summons upon the Defendant Nos.4 and 5 could not be completed, the Plaintiff be permitted to publish the Writ of Summons in two newspapers viz. “Free Press Journal” in English Language and “Navshakti” in vernacular language i.e. Marathi, as and by way of substituted service.

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5. For the reasons stated in Affidavit dated 8th August, 2024, the present Chamber order is granted, and the same is signed separately. Applicant to publish the Writ of Summons in two newspapers viz. “Free Press Journal” in English language and one in “Navshakti” in Marathi newspaper vernacular language, within four weeks from the date of uploading the order.

27.08.2024

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