

msm

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

Date : 25th October, 2024

CALLED FOR DIRECTION:

3.CHOL/497/2024) Mr. Zulfiq Multani i/b. Mr. Manoj Kumar Mishra,
In) Advocate for the Applicant / Petitioner.
TP/3543/2024)
) P. C. : 1. The present Chamber Order is taken out to
) serve the Citation upon (1) Mrs. Manju Bhavarlal
) Samlani (Daughter of the deceased), (2) Ashwin
) Bhavarlal Samlani (Grandson of the deceased), (3)
) Bhavesh Bhavarlal Samlani (Grandson of the
) deceased) and (4) Shilpa Bhavarlal Samlani
) (Granddaughter of the deceased) 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 “Navshakti” in vernacular
) language i.e. Marathi.
)
)
) 3. Perused the Affidavit dated 4th October, 2024
) annexed to Chamber Order. In the said Affidavit, it
) is stated that the Citation sent for service upon (1)
) Mrs. Manju Bhavarlal Samlani (Daughter of the
) deceased), (2) Ashwin Bhavarlal Samlani
) (Grandson of the deceased), (3) Bhavesh Bhavarlal
) Samlani (Grandson of the deceased) and (4) Shilpa
) Bhavarlal Samlani (Granddaughter of the deceased)
) at their last known address through the Sheriff of
) Bombay by Hand Delivery but the same could not
)
) ..2/-

be served upon them as the premises found “Locked”. It is further stated that the Applicant had enquired with the neighbours and Security Guard of the society but nobody has any information about their whereabouts. The Applicant therefore requested to permit him to publish the Citation upon the aforesaid legal heirs of the deceased by way of substituted service by publishing in two newspapers viz. “Free Press Journal” in English Language and in “Navshakti” in vernacular language i.e. Marathi.

4. Perused Para-10 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. Heard. The Ld. Advocate for the Applicant submits that the aforesaid legal heirs could not be served as the citation sent for service at the last known address through the Sheriff of Bombay by Hand Delivery but the same could not be served upon them as the premises found “Locked”. She further submits that their whereabouts are not known to the Applicant. She therefore prays that the Chamber Order be allowed.

6. For the reasons stated in Affidavit dated 4th October, 2024 annexed to the Chamber order and averment made in Para-10 of the Petition, the present Chamber order is granted, and the same is signed separately.

7. Publication of Citation to be done in two newspapers viz. (1) “Free Press Journal” in English

)
)
)
)
)
)
)
)
)
)

: 3 :

and (2) “Navshakti” in Marathi language, within eight weeks from the date of uploading the order. Office is directed to issue fresh Citation, if required.

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

25.10.2024

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