

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

CALLED FOR DIRECTION:

TP/1565/2024

) P. C. : 1. The present Chamber Order is taken out to
) serve the Citation upon (1) Rajas Shashimohan
) Joshi (Nephew of the deceased), (2) Deepali Vijay
) Mahajani (Niece of the deceased) and (3) Payal
) Vijay Mahajani (Niece of the deceased) by way of
) substituted service as per the Schedule annexed to
) the Chamber Order.

2. Perused Schedule. The Applicant / Petitioner No.1 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 21st October, 2024 annexed to Chamber Order. In the said Affidavit, it is stated that the (1) Rajas Shashimohan Joshi, (2) Deepali Vijay Mahajani and (3) Payal Vijay Mahajani are the Nephew and Nieces of the deceased respectively and they had severed all relations with the deceased and other family members since last several years. It is further stated that the Applicant / Petitioner No.1 made efforts to find their new addresses to serve the Citation and made inquiries with friends, relatives, and their neighbours, but could not locate their new

..2/-

addresses. It is further stated that the Citation was sent for service upon the above named legal heirs of the deceased at their last known addresses through the Sheriff of Bombay by RPAD but the same was returned by the Postal Authorities with remark "Address Moved" and "Unable to Locate Address" and the Bailiff has filed an Affidavit of Service dated 9th October, 2024, a copy of the same is at Exhibit - "A" to the Affidavit in Support. The Applicants therefore prayed to permit them to publish the Citation by publishing in two newspapers viz. "Free Press Journal" in English Language and in "Navshakti" in vernacular language i.e. Marathi, by way of substituted service upon the above named legal heirs.

4. Perused Para-8 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 Applicants submits that the (1) Rajas Shashimohan Joshi, (2) Deepali Vijay Mahajani and (3) Payal Vijay Mahajani are the Nephew and Nieces of the deceased respectively and they had severed all relations with the deceased and other family members since last several years. She further submits that the Applicant / Petitioner No.1 had made efforts to find their new addresses to serve the Citation and made inquiries with friends, relatives, and their neighbours, but could not locate their new addresses. She further submits that the Citation was sent for service upon the above named legal heirs of the deceased at their last known addresses through

) : 3 :

) the Sheriff of Bombay by RPAD but the same was
) returned by the Postal Authorities with remark
) “Address Moved” and “Unable to Locate Address”
) and the Bailiff has filed an Affidavit of Service
) dated 9th October, 2024. She therefore prays that the
) Chamber Order be allowed.
)

) 6. For the reasons stated in Affidavit dated 21st
) October, 2024 annexed to the Chamber order and
) averment made in Para-8 of the Petition, the present
) Chamber order is granted, and the same is signed
) separately. Publication of Citation to be done in two
) newspapers viz. (1) “Free Press Journal” in English
) and (2) “Navshakti” in Marathi language, within
) four weeks from the date of uploading the order.
) Office is directed to issue fresh Citation, if required.
)

) 7. Applicant / Petitioner No.1 to file Affidavit
) annexing therewith the newspapers within two
) weeks once, the publication is done.
)

22.11.2024

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