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

Date : 21st November, 2024

CALLED FOR DIRECTION:

5.CHOL/525/2024) Ms. S. K. Kapadia i/b. Mulla and Mulla Blunt and
In) Caroe, Advocate for the Applicant / Petitioner.
TP/4003/2024)
) P. C. : 1. The present Chamber Order is taken out
) to serve the Citation upon Dinshaw Nozar
) Dastoor (Paternal Uncle of the deceased) by
) way of substituted service as per the Schedule
) annexed to the Chamber Order.
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) 2. Perused Schedule. The Petitioner is
) seeking permission to publish the Citation in
) two newspapers viz. “Free Press Journal” in
) English Language and in “Jam-e-Jamshed” in
) vernacular language i.e. Gujarati.
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) 3. Perused the Affidavit dated 4th October,
) 2024 annexed to Chamber Order. In the said
) Affidavit, it is stated that the deceased died as
) bachelor and had no brother and sister. It is
) further stated that the parents of the deceased
) predeceased the deceased and the paternal and
) maternal grand parents have also predeceased
) the deceased. The Applicant has further stated
) that the said deceased left no heirs as provided
) under Entry-(1), (2) and (3) in Part-I to
) Schedule-II (Section-55) of Indian Succession
) Act, 1925. It is further stated that the deceased
) ..2/-
)

has one Paternal uncle viz. Dinshaw Nozar Dastoor and the Citation was sent for service upon him at his last known address through the Sheriff of Bombay by Post but the same could not be served upon him and the Bailiff has filed an Affidavit of Service dated 4th September, 2024, a copy of the same is annexed at Exhibit - "A" to the Affidavit in Support. It is stated by the Bailiff in his Affidavit that the Citation sent to Mr. Dinshaw Nozar Dastoor was returned by the Postal Authorities with a remark "No such person in the said address". The Applicant therefore requested to permit him to publish the Citation upon Dinshaw Nozar Dastoor by way of substituted service by publishing in two newspapers viz. "Free Press Journal" in English Language and in "Jam-e-Jamshed" in vernacular language i.e. Gujarati.

4. Perused Para-8 of the Petition, it is mentioned and confirmed that the averment made in the Affidavit in respect of the last known address of the said legal heir.

5. Heard. The Ld. Advocate for the Applicant submits that the deceased died as bachelor and had no brother and sister and the parents of the deceased predeceased the deceased and the paternal and maternal grand parents have also predeceased the deceased. She further submits that the said deceased left no heirs as provided under Entry-(1), (2) and (3) in Part-I to Schedule-II (Section-55) of Indian Succession Act, 1925. She further submits that the

