

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (I) NO. 26396 OF 2024
IN
SUIT NO. 280 OF 2023

VISWANATHAN DURGADETHAN)...PLAINTIFF

IN THE MATTER OF

VISWANATHAN DURGADETHAN)...PLAINTIFF

V/s.

MALLIKA GUPTA)...RESPONDENT

Mr.Mohan Bir Singh a/w. Mr.Rahul Jalan i/by MBS & Co., Advocate for
the Plaintiff/Applicant.

None for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 28th AUGUST 2024

PC. :

1. This Interim Application seeks substituted service upon the
Respondent.

2. On 21st August 2023, this Court had passed the following order :

*“1. Pursuant to order dated 18th July 2024, today when the
matter is called out, Mr.Singh, learned Counsel, appears for
the Plaintiff and submits that although an attempt was made*

to serve the Defendant on the address being Flat No.456, Air Force & Naval Officer Enclave, Sector VII, Plot No.11, Dwarka, Delhi – 110075, the packet has been returned with the remark “left”. Mr.Singh, however, submits that in a matter before the Delhi Family Court, the Defendant has filed an affidavit dated 30th July 2024 with the same address and seeks to tender across the bar the said affidavit which is perused and which indicates that the affidavit which has been verified on 30th July 2024 filed by the Defendant, is bearing the same address as on the packet that has been returned.

2. In view of the above, Mr.Singh seeks some time to take out an appropriate application for substituted service.

3. Accordingly, list on 28th August 2024 on the Supplementary board.”

3. Accordingly, this application for substituted service has been taken out by the Applicant.

4. Mr.Singh, learned Counsel for the Applicant, submits that the Respondent is avoiding service, and therefore, this Court permit substituted service by publication in Times of India and Navbharat Times, Delhi edition.

5. Having heard the learned Counsel and having considered the submissions and particularly the fact that although the Respondent in an affidavit filed before the Delhi Family Court has submitted the same

address, from which the packet has been returned with the remark “left”, it appears that the Respondent is avoiding service.

6. Accordingly, in view of the provisions of Order V Rule 20 of the Code of Civil Procedure, 1908, this Court is inclined to allow the application for substituted service by publication of the Interim Application in the Delhi edition of Times of India and Navbharat Times.

7. The application is allowed in the above terms.

8. Let the substituted service be effected within a period of two weeks and an appropriate affidavit of service be filed.

9. The application, accordingly, stands allowed and disposed.

INTERIM APPLICATION NO. 2289 OF 2024

10. List the Interim Application No.2289 of 2024 on **9th October 2024.**

(ABHAY AHUJA, J.)