

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11140 OF 2024
IN
FIRST APPEAL NO. 743 OF 2024

Mr. Kaluram B. Gore (deceased) Thr. Lrs. ...Applicants.
Manisha Kaluram Gore And Ors.

Versus

Mr. Sanjay Baban Misal And Anr. ...Respondents

Mr. Sumant Deshpande for the Applicants.
Mr. D.S. Joshi a/w Mr. Pradyuman Thakurdesai i/b Yogesh Pande for
Respondent No.1.

CORAM : M.M. SATHAYE, J.
DATE : 19th MARCH 2025

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent No.1. This application is filed seeking permission to serve Respondent No.2 by publishing advertisement in local newspaper by way of substituted service. It is stated on oath that pursuant to the notices issued, Respondent No.2 could not be served.

2. Office-note indicates that notice issued to Respondent No.2 in the Appeal has returned unserved with bailiff remark "not found hence returned". The affidavit of service filed by the Applicant/Appellant also indicates that the packet of notice sent to Respondent No.2 was returned with remark "no such person found".

3. Learned counsel for the Applicant invited this Court's attention to

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the claim application on which there is an endorsement indicating that the in the Tribunal also, Respondent No.2 was required to be served through paper publication.

4. In that view of the matter, sufficient case is made out for substituted service.

5. The application is allowed in terms of prayer clause (a) with a clarification that the notice will be published in two local newspapers, one in English language and other in vernacular language i.e. in Marathi. Returnable date for newspaper publication is after four weeks.

6. The Interim Application is disposed of accordingly.

(M.M. SATHAYE, J.)