

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1782 OF 2025
IN
FIRST APPEAL (ST) NO. 7633 OF 2024

Office Notes, Office Memoranda of Coram,
appearance, Court's Orders or directions and
Registrar's orders

Court's or Judge's order

CORAM : SHRI S. R. AGRAWAL
REGISTRAR (JUDL -II)

DATE : 24/02/2025

Adv. Pushpa Thapa i/by Mable Soans present for Applicant.

Perused.

The learned Advocate for the applicant has filed present Interim Application to serve Respondent No. 1, 3, 4 and 2a to 2c by way of substituted service i.e by publishing notice in daily newspapers. However, after filing the interim application for substitute service by way of publication, the learned advocate for appellant has served respondent nos. 2a to 2c by RPAD. In this regard, the learned advocate for applicant has filed Affidavit of service dated 31/01/2025 along with postal acknowledgment receipts signed by respondent nos. 2a to 2c in interim application no. 9425 of 2024 (for condonation of delay), which shows notices are duly served upon them.

As per office note, the notices of Respondent No. 1, 3 and 4 are returned unserved with Bailiff's remark dated 27/11/2024, "Not found,

on enquiries with peoples they reported that the Co-op. Housing Society demolished since long back year and due redevelopment all tenants shifted else where and they do not know anything about said respondent nos. 1, 3 and 4". The learned Advocate for Applicant is not aware about new addresses of above respondent no. 1, 3 and 4. Thus, only option left is to serve the Respondent No. 1, 3 and 4 by way of substituted service. The address of Respondent No. 1, 3 and 4 mentioned in the notices are same as mentioned in Interim Application and in memo of First Appeal as well as in Judgment of the Trial Court.

In turn, Interim Application No. 1782 of 2025 for substituted service is allowed, returnable by 10 weeks. The learned advocate for applicant is permitted to publish the notices against respondent nos. 1, 3 and 4 in local newspaper namely, "Fress Press Journal" in english language and in marathi newspaper namely "Navshakti" The learned Advocate for the Applicant is directed to collect copy of Publication Notice from the department within two weeks without fail and thereafter, file published copies of notice of newspapers in the department within 08 weeks without fail.

Sd/-
REGISTRAR (JUDL-II)