

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9085 OF 2025
IN
INTERIM APPLICATION NO. 10861 OF 2024
IN
FIRST APPEAL NO. 44 OF 2012

Krishna N. Gadiyar ...Applicant
Versus
Franklyn Mathias And Ors ...Respondent

Mr. Prathamesh Bhargude i/b Kuldeep Singh for the Applicant.

CORAM : M.M. SATHAYE, J.
DATE : 11th JULY, 2025

P.C. :

1. Heard learned Counsel for the Applicant.
2. This is an application for service upon Respondent Nos. 2 to 8 and 10 to 13 by publication in local newspaper.
3. Learned Counsel for the Applicant has invited this Court's attention to the office note indicating that when the service was sought to be effected in restoration application (IA/10861/2024), the said could not be served. Notice upon some of the Respondents has returned unserved with bailiff remark 'premises could not be traced' and for some of the Respondents, the remark was that 'premises was demolished and the occupants were shifted elsewhere'. It is stated in the application on affidavit that concerned Respondents could not be served upon addresses available.

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4. Learned advocate for the Applicant states on instructions that the address on which service was attempted were last known addresses of the parties.

5. Considering the submission and averments in the application, the application is allowed in terms of prayer clause (a), which reads thus:

“a) This Hon’ble Court may be pleased to permit the present Applicant to serve the aforesaid proceedings of Interim Application through paper publication upon Respondent Nos. 2 to 8 and Respondent Nos. 10 to 13 by publication in local newspaper.”

6. The Applicant is permitted to publish the notice in newspaper ‘Free Press Journal’ and ‘Navshakti’.

7. IA/9085/2025 is disposed of in above terms. It is clarified that prayer clause (b) in this application, about change of name of the Trustee is not pressed, for the time being, and it will be considered later.

8. Notice be issued in IA/10861/2024 by paper publication, returnable on 01.08.2025.

(M.M. SATHAYE, J.)