

msm

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

Date : 11th March, 2025

CALLED FOR DIRECTION:

3.CHOL/13/2025
EHCIBM02131122024
In
TP/2657/2021

) **Mr. Hemanshu Vyas a/w. Mr. Suraj Shetye i/b. Ms. Hetal**
) **Patel, Advocate for the Applicant / Petitioner.**

)
)
) P. C. :
)

) 1. The present Chamber Order is taken out to serve the
) Citation upon (1) Mrs. Saroj Ullal (Daughter of the deceased)
) and (2) Ms. Shobha Kishor Desai (Daughter of the deceased)
) by way of substituted service as per the Schedule annexed to
) the Chamber Order.
)

) 2. Perused Schedule. The Petitioner is seeking
) permission to publish the Citation in two newspapers viz.
) "Free Press Journal" in English Language and in "Navshakti"
) in vernacular language i.e. Marathi.
)

) 3. Perused the Affidavit dated 8th June, 2024 annexed to
) Chamber Order. It is stated in the said Affidavit that the
) Applicant could not obtain fresh Consent Affidavit of the
) aforesaid married daughter of the deceased and sought
) permission to serve the Citation upon them by substituted
) service. On 13th February, 2025, the time to serve the
) Citation was extended. It appears from the Affidavit of
) Service dated 3rd March, 2025, the Citation sent for service
) through the Sheriff of Bombay and the Bailiff has reported
) that the above named legal heirs could not be found at their
) address and upon making enquiry it was informed that the
) legal heirs are not residing at the said premises since last 15
) years and their present whereabouts are not known. The said
) ..2/-

)
) Affidavit of Service is on record. The Applicant therefore
) requested to permit her to publish the Citation upon (1) Mrs.
) Saroj Ullal (Daughter of the deceased) and (2) Ms. Shobha
) Kishor Desai (Daughter of the deceased) by way of
) substituted service by publishing in two newspapers viz.
) "Free Press Journal" in English Language and in "Navshakti"
) in vernacular language i.e. Marathi.
)
)

) 4. Perused Para-8 of the Petition, it is mentioned and
) confirmed that the averment made in the Affidavit in respect
) of the addresses not known to the Petitioner.
)
)

) 5. Heard. The Ld. Advocate for the Applicant submits
) that the Applicant had sent the Citation for service upon (1)
) Mrs. Saroj Ullal (Daughter of the deceased) and (2) Ms.
) Shobha Kishor Desai (Daughter of the deceased) through the
) Bailiff but the Bailiff could not serve Citation at their last
) known address. She further submits that the whereabouts of
) the above named legal heirs are not known to the Applicant.
) She therefore prays that the Chamber Order be allowed.
)
)

) 6. For the reasons stated in Affidavit dated 8th June, 2024
) and Affidavit of Service dated 15th February, 2025, annexed
) to the Chamber order and averment made in Para-8 of the
) Petition, the Chamber Order is allowed. The Applicant is
) directed to publish the Citation in two newspapers viz. (1)
) "Free Press Journal" in English and (2) "Navshakti" in
) Marathi language, within four weeks from the date of
) uploading the order. Office is directed to issue fresh Citation,
) if required.
)
)

) 7. Applicant to file Affidavit annexing therewith the
) newspapers within two weeks once, the publication is done.