

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

CALLED FOR DIRECTION:

In
TP/816/2023

P. C. : 1. The present Chamber Order is taken out to serve the Citation upon Seema D/o Gavarichand Genmal Hirani (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 “Yashobhoomi” in vernacular language i.e. Hindi.

3. Perused the Affidavit dated 3rd April, 2024 annexed to Chamber Order. It is stated in the said Affidavit that the Daughter of deceased refuse to file consent affidavit and therefore the Petitioner tried to serve Citation upon the Daughter of deceased but could not serve the same. The Affidavit of Service of Citation is filed on 13th December, 2023. It is further stated that the Petitioner requested to publish the Citation upon Seema D/o Gavarichand Genmal Hirani (Daughter of the deceased) by way of substituted service by publishing in two newspapers viz. "Free Press Journal" in English Language and in "Yashobhoomi" in vernacular language i.e. Hindi, the Petitioner is not aware of the whereabouts of the legal heirs of Husband of the deceased.

4. Perused Para-9 of the Petition, it is mentioned and

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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 Daughter of deceased refuse to file consent affidavit and therefore the Petitioner tried to serve Citation upon the Daughter of deceased but could not serve the same. The Ld. Advocate for the Applicant / Petitioner submits that the Bailiff of Sheriff of Bombay has filed an Affidavit of Service dated 6th March, 2024 in respect of the steps taken to serve the Citation upon the Daughter of the Deceased and the Affidavit of Service of Citation is filed on 13th December, 2023. He further submits that the Petitioner is not aware of the whereabouts of the Husband of the Deceased and also other legal heirs. He further submits that the Applicant / Petitioner be permitted to publish the Citation in two newspapers viz. (1) "Free Press Journal" in English and (2) "Yashobhoomi" in Hindi language. He therefore prays that the Chamber Order be allowed.

6. For the reasons stated in Affidavit dated 3rd April, 2024 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) "Yashobhoomi" in Hindi 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.