

msm

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

Date : 23rd January, 2025

CALLED FOR DIRECTION:

4.CHOL/33/2025
AMH20240126772C202400006
In
TP/684/2023

) **Ms. Sapana Rachure, Advocate for the Applicant /**
) **Petitioner.**

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) **P. C. : 1.** The present Chamber Order is taken out to
) serve the Citation upon legal heirs of Mr.
) Hillolkumar Banerjee (Son of the deceased) and
) Shri Uchhalkumar Banerjee (Son of the deceased)
) by way of substituted service as per the Schedule
) annexed to the Chamber Order.

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) **2.** Perused Schedule. The Petitioner is seeking
) permission to publish the Citation in two
) newspapers viz. “Free Press Journal” in English
) Language and in “Durant Barta” in vernacular
) language i.e. Bengali.

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) **3.** Perused the Affidavit dated 22nd October,
) 2024 annexed to Chamber Order. It is stated in the
) said Affidavit that Mr. Hillolkumar Banerjee (Son
) of the deceased) had died and the whereabouts of
) the legal heirs are not known to the Petitioner and
) he made enquiries but no information he got. It is
) further stated that the Petitioner had also sent
) Citation for service upon Mr. Uchhalkumar
) Banerjee (Son of the deceased) at his last known
) address through the Bailiff but the same was
) unserved and returned with a remark “Left the
) premises long back”. The Petitioner further stated
) that the Sheriff of Bombay has filed an Affidavit

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of Service dated 8th February, 2024 to that effect and the same is annexed to the Affidavit in Support. The Applicant has further stated that he is not aware about details and whereabouts of the legal heirs of late Hillolkumar Banerjee and any other address of Mr. Uchhalkumar Banerjee. The Applicant therefore requested to permit her to publish the Citation upon legal heirs of late Hillolkumar Banerjee and upon Mr. Uchhalkumar Banerjee by way of substituted service by publishing in two newspapers viz. “Free Press Journal” in English Language and in “Durant Barta” in vernacular language i.e. Bengali.

4. Perused Para-4 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 Mr. Hillolkumar Banerjee (Son of the deceased) had died and the whereabouts of the legal heirs are not known to the Petitioner and he made enquiries but no information he got. She further submits that the Petitioner had also sent Citation for service upon Mr. Uchhalkumar Banerjee (Son of the deceased) at his last known address through the Bailiff but the same was unserved and returned with a remark “Left the premises long back” and the Sheriff of Bombay has filed an Affidavit of Service dated 8th February, 2024 to that effect and the same is annexed to the Affidavit in Support. The Applicant has further stated that he is not aware about details and whereabouts of the legal heirs of

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) late Hillolkumar Banerjee and any other address
) of Mr. Uchhalkumar Banerjee. The Ld. Advocate
) further submits that there is typographical error in
) the Para-8 of the Affidavit in Support wherein the
) name of son of the deceased is written incorrectly
) i.e. Shri Utpalkumar Banerjee instead Mr.
) Uchhalkumar Banerjee and the name of
) newspaper vernacular language is written as
) Navshakti instead “Durant Barta” in vernacular
) language i.e. Bengali. The Ld. Advocate prays
) that the same may read correctly. She therefore
) prays that the Chamber Order be allowed and the
) Applicant / Petitioner be permitted to publish the
) Citation as per the Schedule.
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) 6. For the reasons stated in Affidavit dated
) 22nd October, 2024 annexed to the Chamber order
) and averment made in Para-4 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)
) “Durant Barta” in vernacular language i.e.
) Bengali, within four weeks from the date of
) uploading the order. Office is directed to issue
) fresh Citation, if required.
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) 7. Applicant to file Affidavit annexing therewith
) the newspapers within two weeks once, the
) publication is done.
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23.01.2025

**Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master**