

msm

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

Date : 23rd January, 2025

CALLED FOR DIRECTION:

6.CHOL/42/2025

AMH20240127357C202400008

In

TP/1626/2022

) **Ms. Jyoti Badgujar i/b. Mr. Ravi Agrawal & Mr. S. U.**
) **Lakdawala, Advocate for the Applicant / Petitioner.**

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)
) P. C. : 1. The present Chamber Order is taken out to
) serve the Citation upon Mrs. Geeta Vijay Kanakia
) (Daughter-in-law 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 "Janmabhoomi" in vernacular
) language i.e. Gujarati.
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) 3. Perused the Affidavit dated 26th September,
) 2024 annexed to Chamber Order. It is stated in the
) said Affidavit that the Citation sent to Mrs. Geeta
) Vijay Kanakia (Daughter-in-law of the deceased) at
) her last known address through the Sheriff of
) Bombay was returned unserved and it was reported
) by the Bailiff that the premises was demolished. It
) is further stated that the present whereabouts of
) Mrs. Geeta Vijay Kanakia (Daughter-in-law of the
) deceased) is not known to the Petitioner. The
) Applicant therefore requested to permit him to
) publish the Citation upon Mrs. Geeta Vijay
) Kanakia (Daughter-in-law of the deceased) by way
) of substituted service by publishing in two
) newspapers viz. "Free Press Journal" in English
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Language and in “Janmabhoomi” in vernacular language i.e. Gujarati.

4. Perused Para-9 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 Citation sent to Mrs. Geeta Vijay Kanakia (Daughter-in-law of the deceased) at her last known address through the Sheriff of Bombay was returned unserved and it was reported by the Bailiff that the premises was demolished. She further submits that the present whereabouts of Mrs. Geeta Vijay Kanakia (Daughter-in-law of the deceased) is not known to the Petitioner. She therefore prays that the Chamber Order be allowed.

6. For the reasons stated in Affidavit dated 26th September, 2024 annexed to the Chamber order and averment made in Para-9 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) “Janmabhoomi” in Gujarati 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.

23.01.2025

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