

Before: E.B. SIVAKUMAR

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 11th February, 2025

CALLED FOR DIRECTION:

2. CHOL/58/2025
[Original]
(AMH20230020324C202
400006)
IN
TP/2877/2024

) Ms. Siddhi More, Advocate i/b. Rashmi Parab for
) Petitioner.

) P. C. : 1. The present Chamber Order is taken
) out to serve the Citation upon Pratibha
) Prabhakar Waigankar nee Ranjana
) Yeshwant Pawaskar (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. "Active Times" in English Language and in "Mumbai Lakshdeep" in vernacular language i.e. Marathi.

3. Perused the Affidavit dated 9th December 2024 annexed to Chamber Order. It is stated that the Citation sent for service upon Smt. Pratibha Prabhakar Waigankar nee Ranjana Yeshwant Pawaskar (daughter of the deceased), was returned by the postal authorities with the remark left. The affidavit of service dated 12.11.2024 filed by the Bailiff of Sheriff of

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Bombay is annexed to the affidavit in support. The applicant has further stated that he tried to locate the address and whereabouts of the legal heir of the deceased but none has been found. It is further stated that the applicant does not know the whereabouts of the said legal heir. The Applicant therefore requested to permit him to publish the Citation in two newspapers viz. "Active Times" in English Language and in "Mumbai Lakshdeep" 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 Citation sent for service upon Smt. Pratibha Prabhakar Waigankar nee Ranjana Yeshwant Pawaskar (daughter of the deceased), was returned by the postal authorities with the remark left. The affidavit of service dated 12.11.2024 filed by the Bailiff of Sheriff of Bombay is annexed to the affidavit in support. He further submits that the applicant tried to locate the address and whereabouts of the legal heir of the deceased but none has been found and the present address is not known. He, therefore, prays that the Chamber Order be allowed.

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6. For the reasons stated in Affidavit dated 9th December 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. "Active Times" in English Language and in "Mumbai Lakshdeep" in vernacular language i.e. 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.

11.02.2025

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