

Before : Anil H. Laddhad
Prothonotary and Senior Master

Date : 4th February, 2025

FOR HEARING AND FINAL DISPOSAL :

7. CHOL/418/2024) Mr. Prashant Malik, Advocate for Applicant
IN)
WP(L)/) Ms. Sheetal Malvankar, AGP for Respondent (State of
31921/2022) Maharashtra)
)
) PC. : Perused Praecipe dated 28.11.2024 filed by
) Advocate for Applicant alongwith document of RTI;
) wherein in the statement of Respondent No. 5
) recorded by Police, it is mentioned that Respondent No.
) 4 is expired.
)
) Ld. Advocate for the Applicant submits that Respondent
) No. 4 is expired and he has mentioned the said fact in
) Praecipe dated 28.11.2024 and he has no
) documentary proof, other than Police Statement, to
) show that Respondent No. 4 is expired.
)
) Applicant to furnish Death Certificate of Defendant No.
) 4 alongwith Additional Affidavit stating therein
) aforesaid facts, as the material which the Plaintiff has
) relied upon, is not acceptable.
)
) Perused Affidavit of Service dated 06.01.2025; wherein
) it is stated that postal article containing present
) Chamber Order sent to Respondent No. 5 at the last
) known address, is returned back with remark "Item
) Returned Addressee moved". It is further stated in the
) said Affidavit that when an attempt was made to serve
) present Chamber Order upon Respondent No. 5 by way
) of hand delivery, Respondent No. 5 was not ready to
) accept the article. Hence, the service upon Respondent
) No. 5 be considered as good service. However, there is
) no evidence of refusal of service by Respondent No. 5.
)

.... Continued
CHOL/418/2024
IN
WP(L)/
31921/2022

Prothonotary and Senior Master
Date : 4th February, 2025

: 2 :

) Hence, Applicant is directed to serve Respondent No. 5
) afresh. The service through Registered Post A.D. or
) Speed Post with acknowledgment due is allowed.
) Accordingly, Applicant to serve Chamber Order upon
) Respondent No. 5 by way of speed post or Registered
) Post A.D. and file Affidavit of Service, on or before next
) date.
)
) Adjourned to 11.02.2025, for compliance.

Date : 04.02.2025

Prothonotary & Senior Master

M.N.
Kadam
Digitally
signed by
M.N. Kadam
Date:
2025.02.04
05:33:06
+0530