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

Date : 07th January, 2025

CALLED FOR DIRECTION:

5.CHOL/578/2024) Mr. Rajai T. Yadav, Advocate for the Applicant / Petitioner.

**In)
TP/1196/2024)**

) P. C. : 1. The present Chamber Order is taken out to
) serve the Citation upon Sukhada Mohan Mithagri
) (Married 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
) "Navshakti" in vernacular language i.e. Marathi.
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)

) 3. Perused the Affidavit dated 7th October, 2024
) annexed to Chamber Order. It is stated in the said
) Affidavit that the Citation was sent for service upon
) Sukhada Mohan Mithagri (Married Daughter of the
) deceased) at her address through the Bailiff of Sheriff
) of Bombay but the same was returned and reported
) that Smt. Sukhada Mohan Mithagri was not
) available at her residential address and it was
) informed to the Bailiff that she had left the premises
) four years ago. The Bailiff's Affidavit of Service
) dated 13th September, 2024 is annexed to the
) Affidavit in Support. The Applicant has further
) stated that she had tried to search the whereabouts of
) Sukhada Mohan Mithagri, Daughter of the deceased
) through family, friends and relatives but despite due
) and diligent search she could not hear about her
)

..2/-

from anyone. The Applicant therefore requested to permit her to publish the Citation upon Sukhada Mohan Mithagri (Married Daughter of the deceased) by way of substituted service by publishing in two newspapers viz. "Free Press Journal" in English Language and in "Navshakti" in vernacular language i.e. Marathi.

4. Perused Para-5 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 was sent for service upon Sukhada Mohan Mithagri (Married Daughter of the deceased) at her address through the Bailiff of Sheriff of Bombay but the same was returned and reported that Smt. Sukhada Mohan Mithagri was not available at her residential address and it was informed to the Bailiff that she had left the premises four years ago. He further submits that the Applicant had tried to search the whereabouts of Sukhada Mohan Mithagri, Daughter of the deceased through family, friends and relatives but despite due and diligent search she could not hear about her from anyone. He therefore submits that the Applicant is not aware of the whereabouts of the said Sukhada Mohan Mithagri. He therefore prays that the Chamber Order be allowed.

6. For the reasons stated in Affidavit dated 7th October, 2024 annexed to the Chamber order and averment made in Para-5 of the Petition, the Chamber Order is allowed. The Applicant is directed to publish the Citation in two newspapers

