

Kavita S. J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO.1930 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO.82 OF 2023

Saraswat Co-op.Bank Limited ...Applicant

Versus

VM. Yarns Pvt. Ltd., & Ors., ...Respondents

Mr. Jayant Gaikwad a/w Ms. Sapna Parbat for Applicant.

CORAM : R.I. CHAGLA, J.

DATED : 20th JANUARY, 2025.

ORDER :

1. By this Interim Application, the Applicant/Judgment Creditor has sought substituted service of notice under Order XXII Rule 22 of the Code of Civil Procedure, 1908 (“CPC”) upon Opponent Nos. 1 to 3 by way of publication in newspapers “Business Standard” in English language and “Business Standard” in Hindi language.

2. The learned Counsel appearing for the Applicant has referred to the Bailiff Report dated 20th February, 2024 which is at

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Page 37 of the Interim Application, wherein the service of notice under Order XXI Rule 22 of the CPC was attempted on Opponent No.

4. The Bailiff's Report is appended to the joint Affidavit of Service dated 2nd April, 2024. The Bailiff in the said Report has stated that the Opponents other than Opponent No.4 have not been served with notice under Order XXI Rule 22 of the CPC, as their address was not traceable and / or not found at the available address.

3. The learned Counsel appearing for the Applicant has accordingly sought for substituted service.

4. In view thereof and considering that service on Opponent Nos. 1 to 3 had been attempted on the address mentioned in the cause title of the Execution Application, but was unsuccessful, the relief sought for in the Interim Application is required to be granted. Hence, the following order:

- (i) The delay in filing the Interim Application is condoned.
- (ii) The Applicant is permitted by way of substituted service to serve the notice under Order XXI Rule 22 of the CPC upon Opponent Nos. 1 to 3 by way of Paper Publication viz. in

“Business Standard” in English language and “Business Standard” in Hindi language.

(iii) The service shall be effected within a period of eight weeks from today.

(iv) The consequential returnable date of notice under Order XXI Rule 22 is extended by a period of eight weeks from today.

(v) Interim Application is accordingly disposed of. There shall be no orders as to costs.

[R.I. CHAGLA, J.]