

Kavita S. J.

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

INTERIM APPLICATION NO.3240 OF 2024
IN
NOTICE (L) NO.19998 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO.28 OF 2024

The Saraswat Co-op.Bank Limited ...Applicant

In the matter between:

The Saraswat Co-op.Bank Limited ...Applicant

Versus

Elite International Pvt. Ltd., ...Opponents

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 permission for substituted service of Notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 (“CPC”) upon Opponent Nos. 1 and 4 by way of paper publication in newspapers “Business Standard” in English language and “Business Standard” in

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Hindi language. The learned Counsel appearing for the Applicant has referred to the joint Affidavit of Service dated 3rd September, 2024 and Annexure thereto i.e. Bailiff Report, wherein it is mentioned that the Opponent Nos. 1 and 4 have not been served due to their present whereabouts being unknown and information obtained that their address mentioned in the cause title of the application having been sold.

2. Accordingly, learned Counsel for the Applicant has sought for substituted service.

3. Considering that service upon the Opponent Nos. 1 and 4 service of the Notice under Order XXI Rule 22 was attempted and service was unsuccessful which is borne out by the Bailiff's Report dated 12th August, 2024 and as mentioned in the joint Affidavit of Service dated 3rd September, 2024, the relief sought for in the Interim Application is required to be granted.

4. In view thereof, the following order is passed:

5. The Applicant is permitted substituted service of Notice under Order XXI Rule 22 of the CPC upon the Opponent Nos. 1 and 4 by way of paper publication in newspapers "Business Standard" in

English language and “Business Standard” in Hindi language which shall be effected within a period of eight weeks from today.

6. The consequential returnable date of notice under Order XXI rule 22 is extended by a period of eight weeks from today.

7. Interim Application is accordingly disposed of. There shall be no orders as to costs.

[R.I. CHAGLA, J.]