

Before: E.B. SIVAKUMAR

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 29th April, 2025

CALLED FOR DIRECTION:

7. CHOL/209/2025

[Original]

(AMH20210053261C202

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IN

TP/4831/2024

) Mr. Jayant Wani, Advocate for Applicant.

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P. C. : 1. The present Chamber Order is taken out to serve the Citation upon “Surabhi Mariyappa Shahapure, (daughter of the deceased) by way of substituted service as per Schedule annexed to this Chamber Order.

2. Perused Schedule. The Petitioner is seeking permission to publish the Citation in 1) “Free Press Journal” in English language and 2) “Navakal” in Marathi Language, widely circulated new papers in Mumbai, Pune and in the State of Maharashtra.

3. Perused the Affidavit dated 8th April 2025 annexed to Chamber Order. It is stated that the citation was sent for service upon “Surabhi Mariyappa Shahapure, (daughter of the deceased) through the Sheriff of Bombay, was returned with the postal remark “insufficient address”. The Bailiff has filed an affidavit dated 12.12.2024 and the same is at Exh. A to the affidavit in support. The Applicant has further stated that the said “Surabhi Mariyappa Shahapure, is the “biological daughter” of the deceased. It is

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further stated that since the deceased had obtained a divorce his wife in the year 2006, the said “Surabhi Mariyappa Shahapure, has been in custody of the mother since then. The Applicant has further stated that she had made all reasonable efforts to ascertain the current whereabouts of the daughter of the deceased and also conducted enquiries with her friends, relatives and neighbours but the applicant could not locate her address. The Applicant has requested permit her to publish the citation in two newspapers viz. 1) “Free Press Journal” in English language and 2) “Navakal” in Marathi Language, widely circulated new papers in Mumbai, Pune and in the State of Maharashtra.

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 was sent for service upon “Surabhi Mariyappa Shahapure, through the Sheriff of Bombay, was returned with the postal remark “insufficient address” and the the Bailiff had filed an affidavit dated 12.12.2024. The Ld. Advocate further submits that the said “Surabhi Mariyappa Shahapure, is the “biological daughter” of the deceased and since the deceased had obtained a divorce his wife in the year 2006, the said “Surabhi Mariyappa Shahapure, has been in custody of the mother since then. The Ld. Advocate further submits that the applicant had made

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