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

Date : 07th August, 2025

CALLED FOR DIRECTION:

10.CHOL/365/2025
AMH20240129957C202500009

In
TP/2775/2024

) **Mr. Jay Varia, Advocate for the Applicant / Petitioner.**

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P. C. :

1. The present Chamber Order is taken out to serve the Citation upon Vachan Nimesh Shah (Grandson 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 "Gujarati Mid Day" in vernacular language i.e. Gujarati.

3. Perused the Affidavit dated 10th July, 2025 annexed to Chamber Order. It is stated in the said Affidavit that Late Nimesh R. Shah, son of the deceased predeceased the deceased on 20th May, 2023. The Applicant has further stated that widow of the predeceased son has remarried and thus is not entitled succeed to the property of the deceased. It is further stated in the Affidavit that the Bailiff of Sheriff of Bombay has filed a Report in respect of the Service of Citation upon Vachan Nimesh Shah (Grandson of the deceased) and it is reported by him that the premises was found locked and on making enquiry, it was informed that the house of the said legal heir has been closed for many years and his current address is not known. The Applicant therefore requested to permit her to serve the Citation upon Vachan Nimesh Shah (Grandson of the deceased) by way of substituted service by

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) publishing in two newspapers viz. "Free Press Journal" in
) English Language and in "Gujarati Mid Day" in vernacular
) language i.e. Gujarati.
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) 4. Perused Para-9 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.
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) 5. Heard. The Ld. Advocate for the Applicant submits that
) Late Nimesh R. Shah, son of the deceased predeceased the
) deceased on 20th May, 2023 and the widow of the predeceased
) son has remarried and thus is not entitled succeed to the
) property of the deceased. He further submits that the Bailiff
) of Sheriff of Bombay has filed an Affidavit of Service dated
) 10th July, 2025 in respect of the Service of Citation upon
) Vachan Nimesh Shah (Grandson of the deceased) and it was
) reported by him that the premises was found locked and on
) making enquiry, it was informed that the house of the said
) legal heir has been closed for many years and his current
) address is not known. He therefore prays that the Chamber
) Order be allowed.
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) 6. For the reasons stated in Affidavit dated 10th July, 2025
) annexed to the Chamber order and averment made in Para-8
) of the Petition, the Chamber Order is allowed. The Applicant
) is directed to publish the Citation in two newspapers viz. (1)
) "Free Press Journal" in English and (2) "Gujarati Mid Day" in
) Gujarati language, within four weeks from the date of
) uploading the order. Office is directed to issue fresh Citation,
) if required.
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) 7. Applicant to file Affidavit annexing therewith the
) newspapers within two weeks once, the publication is done.

07.08.2025

Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master