

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

Date: 3rd November, 2025

CALLED FOR DIRECTION:

3. CHOL/) Shri Vivek Sharma, Advocate for the Applicant /
490/2025) Petitioner.
AMH20240130215C20250
0001)
IN)
TP /2509/2024)

P.C.

By this Chamber Order the Applicant seeks permission to serve the citation upon (1) Josephine D'Souza, Daughter of the deceased, (2) Johnson D'Souza, Grandson of the deceased, (3) Xavier D'Souza, Grandson of the deceased, (4) Antony D'Souza, Son of the Deceased and (5) Stanley D'Souza, Son of the Deceased by way of substituted service as per schedule annexed to the Chamber Order.

2. Perused the schedule. The Applicant applies for publication of citation in two newspapers viz. "Free Press Journal" in English Language and in "Nav Shakti" in vernacular language i.e. Marathi.

3. Perused the affidavit in support. The Applicant has stated in the affidavit in support that, Ms. Josephine D'Souza, Daughter of the deceased left the house in the year 1996 and is absconding since then. It is further stated that, her whereabouts are not known to the Applicant. It is further stated that, Johnson D'Souza and Xavier D'Souza, Grandsons of the deceased are not in

touch with the Applicant and their whereabouts are not known. Similarly, Anthony D'Souza and Stanley D'Souza, sons of the deceased, whose whereabouts are not known to the Applicant. It is further stated that, the citation sent to the abovenamed legal heirs of the deceased through the Sheriff of Bombay have been returned unserved with a remark "LEFT". The Applicant, therefore, requested to permit him to publish the citation in two newspapers viz. "Free Press Journal" in English Language and in "Nav Shakti" in vernacular language i.e. Marathi, having circulation in Mumbai.

4. Heard. Ld. Advocate for the Applicant submits that, Ms. Josephine D'Souza, Daughter of the deceased left the house in the year 1996 and is absconding since then and her whereabouts are not known to the Applicant. She further submits that, Johnson D'Souza and Xavier D'Souza, Grandsons of the deceased are not in touch with the Applicant and their whereabouts are also not known. He further submits that, Anthony D'Souza and Stanley D'Souza, sons of the deceased, whose whereabouts are not known to the Applicant. He further submits that, the citation sent to the abovenamed legal heirs of the deceased through the Sheriff of Bombay have been returned unserved with a remark "LEFT" and the affidavit of service dated 22nd April, 2025 is filed by the Bailiff of Sheriff of Bombay. He, therefore, prays that the Chamber Order be allowed.

5. Perused para 8 of the Petition. For the reasons mentioned in the affidavit in support the Chamber Order is allowed. Applicant to publish the citation in two newspapers viz. "Free Press Journal" in English Language and in "Nav Shakti" in vernacular language i.e. Marathi widely circulated in Mumbai, by way of

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substituted service upon (1) Josephine D'Souza, Daughter of the deceased, (2) Johnson D'Souza, Grandson of the deceased, (3) Xavier D'Souza, Grandson of the deceased, (4) Antony D'Souza, Son of the Deceased and (5) Stanley D'Souza, Son of the Deceased, within four weeks from the date of uploading this Order. Applicant to file the affidavit of publication once the citation is published within two weeks thereafter.

6. Registry is directed to issue fresh citation, if required.

03.11.2025

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

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