

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 38304 OF 2025
IN
FIRST APPEAL (L) NO. 12960 OF 2023

Bhamini Shridhar Mhatre (since Deceased) ...Applicants
Shashikant Shridhar Mhatre And Ors.

Versus

Savitri Shamrao Mhatre (since Deleted)
Dattatraya Shamrao Mhatre And Ors ...Respondents

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Ms. Madhavi Nalawade for the Applicants.
None for Respondents.

CORAM : M.M. SATHAYE, J.
DATE : 5th JANUARY, 2026

P.C. :

1. Heard learned Counsel for the Applicants, who are Appellants in above appeal. There is a delay in filing the Appeal, for which delay condonation application is pending (IA/10567/2024).
2. This application is filed for permission to serve by substituted service.
3. From the averments made in the application on oath, it appears that Respondent Nos. 7,8 and 9 could not be served through ordinary process as notices issued to the said Respondents returned unserved with remark, either that the party is not found or door was found locked or notice was pasted or concerned party is reported as having left the address.
4. From the impugned judgment it appears that, the suit was transferred in the list of undefended suit so far as present Respondent

No.7 (Defendant No.8) is concerned and it proceeded *ex-parte* against Respondent No.9 (Defendant No.15).

5. It is stated that present Respondent No.8 (Defendant No.14) had filed written statement in which registered address was stated, which is the same address mentioned in the present application.

6. Considering the said averments, a case for substituted service is made out. The application is accordingly allowed in terms of prayer clause (b) , which reads as under.

“(b) That the notice be ordered to be served upon the Respondent Nos. 7, 8 and 9 by substituted service by (i) pasting the same on the outer door of their respective addresses mentioned in the title of the Application and (ii) publishing the same in two local newspapers i.e. “FREE PRESS JOURNAL” and “NAVSHAKTI” under the orders of this Hon’ble Court.”

7. Notices to be issued in IA/10567/2024 (delay condonation), returnable on 02.02.2026.

8. Interim Application No. 38304/2025 is disposed of in above terms.

(M.M. SATHAYE, J.)