

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL EXECUTION APPLICATION NO. 34 OF 2023

Rodium Realty Limited

...Applicant

V/s.

Dilip Jairam Mukkawar

...Respondent

**WITH
NOTICE NO. 57 OF 2025**

Mr. Rubin Vakil with Mr. Shlok Dolas i/b Mr. Tejas Shah for the Applicant.

**CORAM : ABHAY AHUJA, J.
DATE : 19th JANUARY, 2026**

P.C. :

1. This matter has been circulated by the Execution Applicant.
2. When the matter is called out, Mr. Vakil, learned Counsel appears for the Execution Applicant and submits that although there is no interim application filed for substituted service, however, in view of the Bailiff's report highlighting the conduct of the Respondent, this Court may permit substituted service of the Notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908("CPC").
3. Mr. Vakil refers to the Bailiff's report dated 19th May, 2025 and points out that on 19th May, 2025, the Bailiff along with the Applicant's representative went to serve the Notice under Order XXI Rule 22 of the

CPC upon the Respondent at his office address at Wakani Building, Opp. Shirodkar Market, Parel (E), Mumbai-400 012, however, the Respondent was not found and one Mr. Vilas Kothawale, person was present and he informed that the Respondent had sold the premises and left long back and the present whereabouts of the Respondent are not known. That on the very same day, the Bailiff also went to serve the Respondent on another address at Suleman Manzeel, Ambedkar Road, Dadar (E), Mumbai-400 014 and there also the Respondent was not found, however, one Mr. Yogesh Padawte, office staff of Advocate Mr. B. D. Kulkarni, who was in occupation of the said premises, informed that the premises has been taken on rental basis by the Advocate and the Respondent is residing at another place, but does not know the Respondent's detailed address. That the said office staff contacted the Respondent on his mobile and informed the Bailiff that the Respondent is out of station and that the Respondent will take legal advice after which he will accept the service as he cannot come to Mumbai and disconnected the mobile.

4. Mr. Vakil submits that although about Rs. 15 Crores are outstanding from the Respondent pursuant to a decree on admission dated 20th December, 2017, the Respondent is avoiding even accepting

the Notice under Order XXI Rule 22 of the CPC as can be gathered from the Bailiff's report and that this Court may permit publication with respect to the Notice under Order XXI Rule 22 of the CPC.

5. Having heard the learned Counsel and having considered the submissions and also having perused the Bailiff's Report dated 19th May, 2025, this Court is of the view that this is a fit case for permitting substituted service not only by publication in two local news papers; one in English and one in Marathi but also affixation on the address at Suleman Manzeel, Ambedkar Road, Dadar (E), Mumbai-400 014 within a period of four weeks.

6. Let an affidavit of service with respect to the above be filed within a period of two weeks thereafter.

7. List on **9th March, 2026**. Returnable date of notice accordingly stands extended to 9th March, 2026.

(ABHAY AHUJA, J.)