

CNR : MHSCA2-000091-2018

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT 19

IN

R.A.D. SUIT NO.185 OF 2018

Mr. Stephen Harry Dass

... Plaintiff

V/s

1) Mr. Mustafa Edris Pardawala and ors.

... Defendants

**Coram : P. D. Zambre,
Judge, C.R.No.15,
Date : 28.06.2018**

ORAL ORDER :

The plaintiff has filed this application for substituted service of injunction application upon defendant Nos.1 and 2 under Order V Rule 20 of the Code of Civil Procedure, 1908 (for short the Code).

2. It is application of the plaintiff that bailiff tried to serve applications for injunction and deposit of rent and suit summons upon defendant Nos.1 and 2 but failed to do so. Service could not be completed on defendant Nos.1 and 2 as the suit premises found locked. Therefore, the plaintiff wants to serve it by way of Registered Post Acknowledgement Due and affixing the injunction application, deposit of rent application and suit summons on some conspicuous part in Court house or address of defendant Nos.1 and 2 as the premises found locked and they are intentionally avoiding service of injunction application, deposit of rent application and suit summons and prayed to allow the application.

3. Heard Ld. Advocate for the plaintiff. Perused bailiff report

Exh.7, 12 and 14. It appears that bailiff tried his best to serve both applications with suit summons but failed to do so as defendant Nos.1 and 2 were not found on the address and the suit premises found locked. It is also reported by the bailiff that information is received that no fix time of their return is mentioned by anybody from the vicinity. Therefore, it appears that defendant Nos.1 and 2 are avoiding service. In the circumstances, if injunction application and deposit of rent application along with suit summons is ordered to be served upon defendant Nos.1 and 2 by RPAD as well as affixing one of the copies of applications along with suit summons in some conspicuous place in the Court house and also upon some conspicuous part of the address of house of defendant Nos.1 and 2 where they known to have last resided or carried on business or personal worked for gain, then it will suffice the purpose. Hence, the order :

ORDER

- 1) The application is allowed.
- 2) The copies of injunction application and deposit of rent application along with suit summons be served upon defendant Nos.1 and 2 through RPAD as well as affixing one of the copies of applications along with suit summons in some conspicuous place in the Court house and also upon some conspicuous part of the address of house of defendant Nos.1 and 2 where they known to have last resided or carried on business or personal worked for gain, on the costs of the applicant.

(P. D. Zambre)
Judge, C.R.No.15
28.06.2018

Dictated on : 28.06.2018
Transcribed on : 29.06.2018
Checked & signed on : 29.06.2018