

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 5350 of
2024
In F/MISC. CIVIL APPLICATION/30112/2024
In F/FIRST APPEAL/10592/2020

=====

RAMESHBHAI CHHELSHANKAR OZA

Versus

MANJULABEN SHAILESHBHAI MODI & ORS.

=====

Appearance:

THAKKAR AND PAHWA ADVOCATES(1357) for the Applicant(s) No. 1

RULE NOT RECD BACK for the Respondent(s) No. 27

RULE SERVED for the Respondent(s) No. 10,12,13,14,16,25,30,9

RULE UNSERVED for the Respondent(s) No.

1,11,15,17,18,19,2,20,21,22,23,24,26,28,29,3,31,32,33,34,4,5,6,7,8

=====

CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

and

HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 15/01/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. The present application is filed for condoning delay of 771 days in filing the application for restoration of the Appeal which came to be dismissed for non removal of office objections. Learned advocate for the applicant indicates that the office objection was with regards to the submitting of court fees which the appellant is now ready with to be deposited.
2. The Office Report would indicate that several respondents have not been served for various reasons, and therefore, learned advocate makes an oral request that the unserved

respondents be permitted to be served by a substituted service by way of publication in the local newspaper having wide circulation. Learned advocate states that the appellant/applicant is ready and willing to put the cost of such publication.

3. Considering the aforesaid request being made and considering the litigation which is pending at this stage since 2020, the Court deems it fit to consider the oral request and permit substituted service for all the respondents by way of publication in local newspaper at the cost of the appellant/applicant.
4. Accordingly, Registry is direct to effect the service of notice of this Court originally issued by Order dated 28.11.2024 and a fresh Notice by substituted service for all the respondents by way of publication in local newspaper with wide circulation at the cost of the appellant/applicant intimating the returnable date on 23.02.2026.

(A.Y. KOGJE, J)

(J. L. ODEDRA, J)