

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 5415 of 2019****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2019  
In R/FIRST APPEAL NO. 5415 of 2019****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2022  
In R/FIRST APPEAL NO. 5415 of 2019****With****CIVIL APPLICATION (FOR SUBSTITUTE SERVICE) NO. 2 of 2022  
In R/FIRST APPEAL NO. 5415 of 2019**=====
**RAKESHKUMAR JAYPRAKASH AGRAWAL****Versus****JAYPRAKASH RAMGOPAL AGRAWAL**
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Appearance:

M R BHATT &amp; CO.(5953) for the Appellant(s) No. 1

MUNJAAL M BHATT(8283) for the Appellant(s) No. 1

for the Defendant(s) No. 1

DECEASED LITIGANT for the Defendant(s) No. 2,3

MS BARKHA R MAHESHWARI(10484) for the Defendant(s) No. 4

MS.DILBUR CONTRACTOR(6388) for the Defendant(s) No. 5,6,7

NOTICE ISSUED BY PUBLICATION for the Defendant(s) No. 3.1,3.2,3.3,8

NOTICE SERVED for the Defendant(s) No. 2.2,2.3

SERVED BY RPAD (N) for the Defendant(s) No.

2.1.1,2.1.2.1,2.1.2.2,2.1.2.3,2.1.3
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**CORAM:HONOURABLE MS. JUSTICE SONIA GOKANI****and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 17/10/2022****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. Registry has placed this matter for orders pursuant to our order dated 16.09.2022, the appellant was permitted to effectuate substitute service by publishing the notice in daily newspaper. It appears

that the Registry has prepared a draft of public notice, which has been proved by the learned advocate for the appellant, however, the estimated cost of publication of notice comes to around an amount of Rs.1,64,323/- (Rupees One Lakh Sixty-four Thousand Three Hundred Twenty Three Only), whereas the order passed by this Court has directed the appellant to deposit the amount of Rs.30,000/- (Rupees Thirty Thousand Only) for each newspaper.

2. The Registry has submitted that not only the amount as estimated is required to be deposited, but the appellant has failed to deposit the amount of Rs.30,000/- (Rupees Thirty Thousand Only) for each newspapers till date. In such circumstances, the notice as directed by this Court has not been published. The appellant is directed to deposit the estimated amount of Rs.1,64,323/- within a period of two weeks from today. The returnable date is extended upto

09.12.2022.

3. Office Note stands disposed of.

(SONIA GOKANI, J)

(NISHA M. THAKORE, J)

**Further order**

4. On the strength of office order today in the morning session, we passed the above order. In the second sitting, learned advocate Mr. Munjal Bhatt for the appellant has made a request that the appellant be permitted to get the notice published in two different newspapers on its own as the cost becomes almost one third and he would like to do that.

5. Keeping intact our order of publication

in the newspapers prescribed in the earlier order, we permit this.

5. Let the amount of Rs. 30,000/- which if has been deposited with the Registry be refunded within one week.

However, the notice shall need to be approved by the Registry and once the same is done, publication shall be effected on its own. Returnable date is extended to 09.12.2022.

**(MS. SONIA GOKANI, J. )**

SUDHIR

**(NISHA M. THAKORE,J)**