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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.281 OF 2014
WITH
CIVIL APPLICATION NO.335 OF 2014
WITH
CIVIL APPLICATION NO.1191 OF 2016
IN
APPEAL FROM ORDER NO.281 OF 2014

Lacman Macan & Anr. ...Appellants
V/s.
Madhubhai B. Halpati & Ors. ...Respondents

Mr.M.S. Lagu for the Appellants.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 13TH OCTOBER, 2016.

P.C. :-

1. By Civil Application No.1191 of 2016, the applicants seeks restoration of the appeal from order against the respondent nos.3 and 4 and for restoration of the interim order of *status-quo qua* the respondent nos.3 and 4. Learned counsel for the applicants invited my attention to the postal remark annexed to this civil application insofar as the service upon the respondent nos.3 and 4 is concerned. A perusal of the endorsement made by the post office indicates that several attempts were made to effect service upon the respondent

nos.3 and 4 but could not be served. The respondent nos.3 and 4 are the family members of the respondent nos.1 and 2, who had refused to accept service on their behalf.

2. I am thus inclined to grant the relief in terms of prayer clauses (a) to (c) of Civil Application No.1191 of 2016.

3. The applicants are permitted to serve the respondent nos.3 and 4 by substituted service i.e. by way of publication in local newspaper "Savera India Times, Daman" and shall file affidavit of service before the next date.

4. Civil Application No.1191 of 2016 is made absolute in terms of prayer clauses (a) to (c). *Ad-interim* order which stood vacated by this Court, stands restored. The order dated 5th August, 2016 passed by this Court is recalled. No order as to costs.

5. Place the appeal from order for admission on 23rd November, 2016 along with Civil Application No.335 of 2014.

(R.D. DHANUKA, J.)