

Ajay

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

INTERIM APPLICATION NO. 6924 OF 2025
IN
SUIT NO. 321 OF 2025

Family Planning Association India	.. Applicant
<u>IN THE MATTER BETWEEN</u>	
Family Planning Association India	.. Plaintiff
Versus	
Mohan Manohar Mulay and Ors.	.. Defendants

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- Mr. Rohaan Cama a/w. Mr. Anish Karande, Nihal Ahmed Shaikh, Mr. Nikhil Shirsekar, Ms. Aishwarya Gairola, Advocates i/by Link Legal for Applicant / Plaintiff.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 17, 2025.

P.C.:

1. Heard Mr. Cama, learned Advocate for Applicant / Plaintiff.
2. The deceased had bequeathed certain shares to Plaintiff. Defendant No.1 aged 70 years is the joint holder of the shares. In parallel proceedings, Defendant No.1 has already waived of his right to claim the shares under the Will of the deceased, as argued by Mr. Cama.
3. Suit is filed for seeking declaration that Plaintiff is the absolute owner of the shares but in order to fructify the same, the procedure for transfer of the shares is required to be undertaken whereby the Plaintiff rather holder of the shares would have to

approach the Company for seeking entitlement form - V so that Defendant No.4 - Investor Education and Protection Fund Authority can be approached for claiming the shares and accruals thereof under the procedure envisaged under the provisions of the Companies Act, *inter alia*, for seeking transfer.

4. Application has already been made by Plaintiff but because of the said shares having been jointly held by Defendant No.1, Plaintiffs have encountered difficulty. In that view of the matter, Defendant No.1 was attempted to be served. Affidavit of service dated 17.12.2025 has been filed through the Bailiff. Bailiff's report stated insufficient address and he has returned the sterile packet. In paragraph No.13 of the Suit plaint averment is made by Plaintiff that effect.

5. In that view of the matter, Mr. Cama would submit that this Court be pleased to pass appropriate directions for substituted service. An arguable case has been made out for issuance of directions for substituted service to Defendant No.1.

6. Plaintiff is permitted to serve Defendant No.1 by substituted service by following the due process of law and file appropriate Affidavit of service.

7. Stand over to **11th February 2026.**

[MILIND N. JADHAV, J.]