



Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO.25 OF 2024

IN

FIRST APPEAL NO.34 OF 2024

**DENNIS GONSALVES @ DINIZ GONSALVES
(SINCE DEC. THR LRS) AND 2 ORS**

... APPLICANTS

Versus

DEVANAND SHIRODKAR AND 6 ORS

... RESPONDENTS

Mr Pranav S. Kakodkar and Mr Vinayak Nevrekar, Advocates for the Applicants.

Mr Gaurish Agni, Advocate with Mr Kishan Kavlekar, Advocate for Respondent No.1.

CORAM:- VALMIKI MENEZES, J.

DATED :- 22nd November, 2024

P.C.

Respondent No.1 and 2 are represented by Advocate Mr Gaurish Agni, and Respondent No.3, 4 and 5 are reported to have expired. Appellants to take steps to file an appropriate application to bring on record their legal representatives, if any. Application to be filed within one week. Respondents No.6(a) and 6(b) have refused to accept service according to the bailiff's report and the report further states that they did not allow the Appellants to affix the notice on the door of their abode. Consequently, in terms of Order 5 Rule 17 CPC, the same shall be treated as good service.

2. The service report in respect to Respondents No.6(c), 6(f) and 6(g)

states that the parties are abroad. Learned Advocate for the Appellants states that the instructions of the Appellants are otherwise, and these Respondents in fact continue to reside at the address shown in the cause-title. The Appellants to file an appropriate application contending necessary submission to serve Respondents No.6(c), 6(f) and 6(g) by substituted service through affixation on the legal representatives within a period of one week.

3. Respondents No.6(d) and 6(e), according to the bailiff's report were sought to be served through their mother at their residence, who refused to accept service on their behalf. The Appellants are permitted to file an application specifying the circumstances under which refusal by a member of the family of Respondent No.6(d) and 6(e) would be construed as good service. Application to be filed within a week from today.

4. Respondent No.7 is one of the original plaintiff in the suit and is reported to live abroad. Steps shall be taken by the Appellants to serve Respondent No.7 by post and by SMS and WhatsApp. Application may be filed within a week.

5. List this matter on 09.12.2024.

VALMIKI MENEZES, J.