

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR B.SUDHEENDRA KUMAR

IA 5/2006 in CIVIL APPEAL NO. 1830 OF 2004

COMMR. OF CENTRAL EXCISE, DAMAN

Appellant (s)

VERSUS

M/S. CHHABRIA POLYESTER CORPORATION

Respondent(s)

(With appln(s) for substituted service and office report )

Date: 27/09/2006 This Appeal was called on for hearing today.

For Appellant(s)

Mr. B. Krishna Prasad, Adv.

Mr Tathagat, Adv.

Mr Harshvardhan, Adv.

For Respondent(s)

Ms. Bina Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

An application has been filed by the appellant praying for effecting service of notice on

the proposed respondentNo.3 referred to in the said application by way of publication in the

newspapers.

Heard. I have also perused the application.

It is revealed from the application that the notice could not be served on the above

respondent under normal mode of service despite the earnest efforts taken in this regard. I am

satisfied from the averments in the application that notice could not be served on the above

respondent under any normal mode of service. The 'Maharashtra Times' , is a Marathi daily and the

'Times of India' is an English daily having wide circulation in the place of residence of the respondent.

Therefore, I am inclined to allow this application with a further direction that the notice be sent on

-2-

Item No.2

CIVIL APPEAL NO. 1830 OF 2004

the above respondent by affixation on his last known address as well.

In the result, this application stands allowed and it is ordered that notice on the above

respondent be served by publication in 'Maharashtra Times' and 'Times of India' dailies. The process

for publication shall be handed over to the petitioner who shall file affidavit in proof of publication

along with the newspapers within four weeks. The process for affixation shall be sent from the office

directly to the District Judge concerned.

List again on 21.11.2006.

(B.SUDHEE

NDRA KUMAR)

Registrar

hj