

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION STAMP NO. 5030/2015
IN
SECOND APPEAL NO. 389/2010

Rajaram Ambadas Kumbhar & another ... APPLICANTS

Versus

Kashinath Radhakishan Mane & others ... RESPONDENTS

Advocate present.

CORAM: VIJAY S.KULKARNI
REGISTRAR (JUDL)

DATED: 18/02/2015

1. Heard learned Advocate for the applicants. The present civil application is filed by the applicants permitting them to serve respondent no.16 Chhabubai Bansi Kale by publishing notice in daily newspaper Punya Nagari. The bailiff report shows that respondent no.16 is not residing on the address given in the memo of appeal and therefore, she is to be served by issuing notice in daily newspaper. In my view, a care is to be taken that notice issued to be properly served on the respondent. The learned Advocate for the applicants has submitted that in the lower court, respondent no.16 has been shown as ex-parte and the proceedings proceeded ex-parte against her. Therefore, a query was made with the learned Advocate that the notice is to be published in largely circulated newspaper. On query,

the learned Advocate has submitted that Sakal newspaper is largely circulated newspaper and therefore, notice needs to be published in daily newspaper Sakal. In view of the above and considering the contentions of the applicants, I find no difficulty to pass following order.

ORDER

The civil application is allowed.

Notice to respondent no.16 Chhabubai Bansi Kale be published in daily newspaper Sakal on requisite P.F. The requisite publication charges be deposited with the concerned newspaper,

The draft of publication shall be submitted by the applicants.

Civil application stands disposed of.

REGISTRAR (JUDL)