

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.9557/2009

903 **CIVIL APPLICATION NO. 9557/2009 IN FA/129/2007**

ASHOKKUMAR NANDLAL @ GIRDHARILAL MALIWAL AND ORS
VERSUS
JASWANTSING PYARASINGH SIKH THR LRS

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Advocate for applicants : Mr. S P Shah
AGP for Respondents: Mr. G.R. Ingole
Advocate for Respondent no.2 : Mr. P.S. Agrawal
Advocate for Respondent No.5 : Mr. S.A. Patil
Advocate for Respondent no.8, 18, 19 & 20 : Mr. S.S. Deshmukh.
Advocate for Respondent no.6, 9, 10, 14, 16, 17, 13A to 13C:
Mr. S.S. Thombre.
Advocate for respondent No.7: Mr. M.V. Deshpande
Advocate for respondent no.11: Mr. V.D. Patnurkar
Advocate for respondent no.12: Mr. S.V. Kurundkar
Advocate for respondent no.15: Mr. G.G. Suryawanshi.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: January 16, 2015

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PER COURT :-

1. This is an application tendered by the appellant for effecting service on respondent Nos. 1A, 1B, 1C by alternate mode of service and for setting aside the order passed by the Registrar on 30.6.2009, directing deletion of names of concerned respondents on account of failure of the applicants to serve them.

2. Considering the contentions raised in the application, the application deserves to be allowed and the same is accordingly allowed.

agp/-

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(2)

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3. The order passed by the Registrar dated 30.6.2009 is quashed and set aside. The applicants are permitted to serve respondent nos. 1A, 1B, 1C by alternate mode of service i.e. by publishing notice in daily newspaper Lokmat having circulation at Aurangabad. Notice be published within a period of three weeks from today and the applicant shall produce proof of service by 2nd of March, 2015.

Civil Application is allowed.

First Appeal be listed for final disposal in the week commencing from 9th March, 2015.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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