

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 114 OF 2015
IN
FIRST APPEAL NO. 1276 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Niketan Nakhwa i/b A. M. Gokhale for the applicant.

Ms. Sneha Dwivedi for the respondent no.2.

CORAM : K. K. TATED, J.

DATED : 08/07/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is for restoration of First Appeal no. 1276 of 2012 against respondent no.1 and for allowing applicant to serve the respondent no.1 by substitute service as per order 5 Rule 20 of CPC.

3 The learned Counsel for the applicant submits that First Appeal appeared before the learned Registrar (Judicial - II) on 12.12.2013. At that time, four weeks time was granted to provide the full and complete address of respondent no.1, failing which First Appeal shall stand dismissed against the unserved respondent.

4 The learned Counsel for the applicant further

submits that the applicant tried to find out the present correct address of the respondent no.1. In spite of the several attempts, no one informed them about the present correct address of the respondent no.1. He submits that therefore, applicant be permitted to serve the respondent no.1 by substitute service as per Order 5 Rule 20 of CPC by publishing in newspapers.

5 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, the following order:

a) Delay in preferring the present Civil Application is condoned.

b) First Appeal no. 1276 of 2012 is restored on file by setting aside conditional order dated 12.12.2013 passed by the learned Registrar (Judicial-II).

c) Applicant is permitted to serve the respondent no.1 by substitute service as per Order 5 Rule 20 of C.P.C. by publication in newspapers, returnable after 12 weeks.

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)