

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1651 OF 2016
IN
SECOND APPEAL NO. 345 OF 1992

Narharrao Madhavrao Tungar
died through L.Rs. ... Applicants

Versus

Shamrao Madhavrao Tungar
died through L.Rs. ... Respondents

Advocate present.

CORAM: VIJAY S.KULKARNI
REGISTRAR (JUDL)

DATED: 10/02/2016

1. Heard learned Advocate for the applicants. Perused record and proceedings. By filing this application, the appellants pray for service of notice to respondent no.1-E by way of paper publication in daily newspaper "Punyanagari" which is one of the widely circulated newspapers in Aurangabad. It has been mainly contended by the appellants that they had filed C.A.NO.671/2015 in Cross Appeal NO.2/2004 in F.A.NO.449/96 for substituted service to respondent namely Nanda Surendra Ghotankar by way of paper publication. C.A.No.671/2015 has been allowed by the Hon'ble Court on 19.1.2015 and the notice of respondent namely Nanda Surendra Ghotankar has been published in the daily newspaper "Punyanagari". It is further contended by the

appellants that it would be in the interest of justice to permit the applicants to publish the notice of second appeal no.345/92 to respondent no.1-E Nanda Surendra Ghotankar in daily newspaper "Punyanagari". The applicants are ready and willing to deposit the necessary charges for paper publication of the notice against respondent no.1. The present application is supported by the affidavit. Taking into consideration the facts and circumstances and to enable to serve respondent no.1-E, I find substance in the submission and inclined to pass following order.

ORDER

C.A.No.1651/2016 is hereby allowed.

The applicants are permitted to serve respondent no.1-E by way of paper publication in daily newspaper "Punyanagari". Necessary charges be deposited with Editor of the concerned newspaper for the purpose of publication of notice.

Civil application stands disposed of accordingly.

REGISTRAR (JUDL)