

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 5255 OF 2014
WITH
CIVIL APPLICATION NO. 1572 OF 2014
IN
SECOND APPEAL [STAMP] NO. 3941 OF 2014

Chandar Dashrath Khandekar and others .. Applicants
vs
Shevantabai Chandar Khandekar .. Respondent

Mr. Hanmant V. Patil, Advocate for applicants

CORAM : SUNIL P. DESHMUKH, J.
12TH FEBRUARY, 2016

ORDER:

1. In so far as civil application no. 5255 of 2014 is concerned, Mr. H.V. Patil, learned counsel for the applicants draws attention to the fact that there is only one respondent and there is no respondent No. 5 and that reference in the order dated 15th September, 2014, in fact, is to appellant no. 5 who had not earlier on filed appeal before first appellate court.
2. It is apparent that it is a typographical error. In the circumstances, words "respondent no.5" as appearing in order dated 15th September, 2014 be read as "appellant no.5".
3. Learned counsel undertakes to carry out amendments pursuant to order in civil application no. 5255 of 2014 dated 15th September, 2014 in right earnest.

4. As far as sole respondent is concerned, learned counsel submits that twice attempts were made to serve her but she is deliberately avoiding service. In the circumstances, he had filed civil application no. 1572 of 2016 for service by paper publication.

5. Learned counsel further submits that as far as regular darkhast for execution of decree is concerned, respondent has given the same address upon which she had been earlier on tried to be served and yet service report has come back stating that she is not residing on said address.

6. Having regard to aforesaid and allegation that respondent is avoiding service, I deem it appropriate to grant civil application no. 1572 of 2016.

7. Civil application No.1572 of 2016 as such stands granted in terms of prayer clause (B) and disposed of.

SUNIL P. DESHMUKH, J.

pnd