

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.962 OF 2016
IN
SECOND APPEAL ST. NO.12100 OF 2015

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CORAM : A.N. MARE
REGISTRAR (JUDL-II)

Date : 22/06/2016

None present

This C.A is taken out by the Appellants to serve the Respondent by way of publication in accordance with the provisions of Rule 20 of Order V of C.P.C.

Perusal of proceeding reveals that the Appellants have tried to serve the Respondent. However, they could not serve the Respondent. The notice is returned back by the Process Server mentioning that, the door was locked and it was informed that, the Respondent does not reside there now. The Judgment of the Trial Court and the First Appellate Court reveals that the present Respondent was the plaintiff in R.C.S. No.451/2000 and his address mentioned in the plaint was the same address when the first Appeal was preferred before the First Appellate Court. In the present proceeding also same address is mentioned.

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Considering that the Appellants have tried to serve the Respondent on the last available address but could not succeed, there is only way to serve the Respondent i.e. by publication of the notice in widely circulated newspaper in the area where the Respondent was last residing. Hence, the Civil Application is allowed in terms of Prayer 'Clause A'.

sd/-
REGISTRAR (JUDL-II)