

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3844 OF 2016
IN
FIRST APPEAL NO.980 OF 2011

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
None Present. <u>CORAM : AJIT N. MARE,</u> <u>REGISTRAR (JUDL – II)</u> Date : 2nd September, 2016 Applicant to supply postal stamps for issuing Notice to Respondent Nos.10, 18 and 19 by R.P.A.D. in First Appeal No.980 of 2011. On verification of cause title of First Appeal and its Civil Application with title of original proceedings, it is seen that address of Respondent Nos.2, 20 and 21 is one and the same. The Notice issued to Respondent No.2 is received unserved with remark "left the said premises since 7 years back, present whereabouts not known, hence pasted on outer door". Notice of Respondent No.20 is returned unserved with Bailiff's remark "left the said premises since 2 years back, hence pasted	

on outer door”. Notice of Respondent No.21 is returned unserved with Bailiff's remark “Shifted somewhere else since 10 years back, present whereabouts not known, hence pasted on the conspicuous part of said premises”. Respondent No.2 is Plaintiff, Respondent No.20 is Defendant No.2 and Respondent No.21 is Defendant No.3 before the City Civil Court at Dindoshi, Borivali, Mumbai. Respondent No.20 and 21 were served on same address. Respondent No.2 has mentioned same address in Trial Court proceedings. Hence, it is evident that Respondent No.2, 20 and 21 cannot be served by regular mode of service. Hence, there is no other way to Respondent No.2, 20 and 21 except by way of Publication of Notice in local Newspapers as mentioned in prayer clause of Civil Application.

In view of this, Civil Application is partly allowed in terms of prayer clause (a). Issue Publication Notice to Respondent No.2, 20 and 21 returnable after 8 weeks.

sd/-
Registrar (Judl.-II)