

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1639 OF 2016
IN
CIVIL APPLICATION NO.90 OF 2015
IN
SECOND APPEAL (ST.) NO.18573 OF 2014**

Mangala Sambhaji Patil .. Applicant
Vs.

Jagannath Vishwanath Patil (since deceased)
through his legal heirs

a. Sunanda Jagannath Patil & Ors. .. Respondents

Mr.Mayur D. Sapkale for Applicant.
None for Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 10th October 2016

P.C.

. Papers are allowed to be produced at 3.00 p.m.

2. By this civil application, the applicant seeks condonation of delay of 114 days in filing the civil application and for setting aside the order dated 8th June 2016 passed by the learned Registrar (Judicial-II) and seeks permission to serve the respondent nos.4(b) by substituted service by way of publication of notice.

3. It is averred in the civil application that the respondent no.4(b) who was reported to be dead 8 years ago is alive and his brother who was unmarried has expired. In view of this misunderstanding by the bailiff, service upon the respondent no.4(b) could not be effected and thus civil application filed by the applicant stood abated.

4. Learned counsel appearing for the applicant states that the applicant has though attempted to serve the respondent no.4(b) on his last known address could not serve and seeks liberty to serve the respondent no.4(b) by substituted service by way of publication of notice. Statement is accepted.

5. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a), (a1) and (b). The applicant is permitted to serve the respondent no.4(b) within four weeks from today by substituted service by publication of notice in two local newspapers having wide circulation in Mumbai and shall file affidavit of service. No order as to costs.

R.D. DHANUKA, J.