

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.9567 OF 2017
IN
SECOND APPEAL NO.115 OF 2016**

Devidasrao s/o. Anandrao Deshmukh,
Age : 82 years, Occ. Agri.,
r/o. 149, N-3, CIDCO,
Aurangabad

..Applicant

Vs.

Vishal s/o. Shamrao Kanderkar,
Age : 38 years, Occ. Advocate,
r/o. 10, Icchapurti Apartment,
Jalannagar, Aurangabad
and others

..Respondents

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Mr.G.R.Syed, Advocate i/b. Mr.M.S.Deshmukh,
Advocate for applicant
Mr.D.B.Shinde, Advocate for respondent no.32A, 31,
33 to 35
Mr.D.S.Manorkar, Advocate for respondent nos.38 to
42

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**CORAM : SANGITRAO S. PATIL, J.
DATE : JULY 26, 2017**

PER COURT :

The learned Counsel for the applicant
submits that due to oversight, respondent no.36
has remained to be included in prayer clause (B)

of the application. He seeks permission to amend the application to that effect. Permission is granted.

2. The learned Counsel for the applicants submits that attempts were made thrice to serve the respondents mentioned in prayer clause (B), but they could not be served. Their present whereabouts are not known. They are not traceable. He, therefore, prays that the applicants may be allowed to serve them by issuing public notice through a Daily newspaper namely, 'Divya Marathi'.

3. Since the attempts to serve the respondents mentioned in prayer clause (B) by ordinary mode of service have failed, there is no alternative but to serve them by substituted service by allowing the applicants to publish a notice in the newspaper, as prayed for. The Civil Application is allowed and accordingly disposed of.

4. The applicant shall take necessary steps
for publication of notice in the newspaper.

[SANGITRAO S. PATIL, J.]

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