

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.16360 OF 2016 IN
WRIT PETITION NO.11298 OF 2015

Anita w/o Vilas Bagul & others

Applicants

Versus

Babulal s/o Abdul Hafiz Pathan
and others

Respondents

Mr.Amol P. Khedkar, advocate for applicants.

CORAM : S.B.SHUKRE, J.

DATE : 18th January, 2017

PER COURT:

Heard.

2 This application does not give any reason as to why service of notice upon Respondent No.1 needs to be effected through paper publication.

3 This Court is required to ascertain the reasons from bailiff reports. The bailiff reports are also quite vague. They indicate that Respondent No.1 was not traced out in Bhusaval taluka. It is not clear as to whether or not the bailiff has visited residence of Respondent No.1 at the address given in the cause title. It is also not clear as to in which areas of Bhusaval taluka, effort was made by the bailiff to trace out Respondent No.1.

4 It would, therefore, be just and proper that fresh notice be issued and is issued with a specific direction that the bailiff shall visit place of residence of Respondent No.1 and make an

attempt to effect service of notice upon Respondent No.1. He shall also submit a specific report in this regard.

5 It appears that bailiff report has been forwarded by the concerned Civil Court at Bhusaval to this Court without verifying its contents, which has caused unnecessary delay in effecting service upon the concerned Respondent. It is, therefore, directed that the concerned Civil Court at Bhusaval shall ensure that the process servers working under him shall adhere to the Bailiff Manual as well as provisions of Civil Manual and Civil Procedure Code in effecting service of notice upon the parties. If any training is required in this regard, the learned Principal District Judge, Jalgaon, shall take necessary steps to make aware the bailiffs working in the District of Jalgaon provisions of law to enable them to perform their functions and duties more effectively.

6 Civil Application is disposed of with liberty to file fresh application if need arises.

S.B.SHUKRE
JUDGE

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