

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1381 OF 2017
IN
SECOND APPEAL NO. 168 OF 2017**

Milind Mohan Vadanagekar	...Applicant
Versus	
Tukaram Vithoba Shinde & Anr.	...Respondents

Mr. Dormaan Dalal for the Applicant

Mr. Hitesh P. Vyas for the Respondent No.1

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 11th OCTOBER, 2017

P.C. :

1. Heard learned counsel for the applicant and respondent No.1.

2. By this application, the applicant seeks the following prayer:

“B) That this Honourable Court be pleased to effect Substituted Service on the Respondent No. 2 on both the Addresses mentioend in paragraph 8(ii) under Order 5 Rule 20 (1-A) by ordering service by an advertisement in the Dainik Prabhat.”

3. Learned counsel for the applicant states that despite several attempts to serve the respondent No.2, the applicant could not effect service on respondent No.2. He further submits that respondent No.2 is avoiding

both, private as well as court notice. He further states that respondent No.2 did not appear either in the trial Court or in the appellate court.

4. In the facts of the case, the application is allowed in terms of prayer clause (B). The applicant should effect substituted service before the next date and file an affidavit of service to that effect.

5. Application is accordingly disposed of.

6. Second appeal to be listed under the caption 'for admission' on 6th November, 2017.

REVATI MOHITE DERE, J.