

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1676 OF 2017
IN
WRIT PETITION NO. 4962 OF 2002

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Niranjan P. Shimpi, Advocate for the Petitioner
is present.

CORAM : R. M. JOSHI
REGISTRAR (JUDL-I)

Date : 1st August 2017

The learned Advocate for the Petitioner submits that as averred in the Civil Application, Respondent herein was served in the First Appeal No. 545 of 2002 by publication only. He has pointed out the order of the Hon'ble Court (Coram : A.S. Oka, J.) dated 20th October 2011, wherein the statement of the appellant about publication of notice of Respondent No.3 was recorded and was directed to file affidavit along with notice.

He has also referred to order dated 19th January 2015 passed in Civil Application No. 111 of 2015 in First Appeal No. 545 of 2002, permitting the appellant therein to serve the Respondent by publication of notice in the newspaper.

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Perusal of this Civil Application, however, shows that the statement has not been made that the Petitioner does not have present address of the Respondent.

The learned Advocate for the Petitioner seeks leave to amend Civil Application to that effect and also including Regular newspaper "Free Press Journal" for publication of notice. He also seeks dispensation of verification.

In view of the previous order, pass in First Appeal, amendment is allowed. It be carried out forthwith and the re-verification is dispensed with.

The learned Advocate for the Petitioner has carried out the amendment. Perused the application which is duly verified.

The Civil Application is allowed. Issue notice to Respondent returnable within eight weeks by publication in local newspaper 'Navshakti' and 'Free Press Journal'.

Sd/-
REGISTRAR (JUDL-I)