

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1990 OF 2016
IN
SECOND APPEAL NO. 33348 OF 2015

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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CORAM : A.N. MARE
REGISTRAR (JUDL-II)

Date : 27/01/2017

Advocate for Applicant present.

This Civil Application is taken out by the Appellant seeking substituted service on Respondent Nos. 7, 8 and 10 to 14 by way of publication in news papers.

Perusal of application and proceedings reveal that Respondent Nos. 7,8 and 10 to 14 were also the respondents in First Appeal i.e., Regular Civil Appeal No. 36 of 2010 before the District Court, Ratnagiri. The Appellant therein was Shri Vinod Shantaram Kadam and same Advocate Shri P.P. Surve represented the Appellant Shri Vinod Shantaram Kadam and Respondent Nos. 7 to 15 therein, which includes Respondent Nos. 7, 8 and 10 to 14 to present Appeal. Similar is the position in the Civil Suit from which appeal originated. In the First Appeal proceedings address of Respondent Nos. 7,8 and 10 to 14 is mentioned as resident of Bombay. Thus, very cryptic address was mentioned by the Appellant and Respondents never objected to the said address. In such circumstances, the present Appellant who was Respondent No. 19 before the District Court, is at loss to know the proper address of Respondent

Nos. 7,8 and 10 to 14. Their address being incomplete, the statement on oath of present Appellant in this Civil Application needs to be accepted that there is no other mode available to serve the Respondent Nos. 7, 8 and 10 to 14, than paper publication. Hence, Civil Application is allowed in terms of prayer clause “a” and “b”.

Registrar (Judl.-II)