

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

**CIVIL APPLICTION NO. 1721 OF 2018
IN
FIRST APPEAL NO. 3331 OF 2016**

Tryambak Dhondiram Chavan ... Applicant

Versus

Balsubramanyam Natrajan Sotiyar
and others ... Respondents.

.....
Mr. D. A. Naik, Advocate for applicant.

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th MARCH, 2018.

Order :-

1. Heard learned counsel for applicant/appellant.
2. Learned counsel for applicant states that respondents No.1 and 2 were served on the same addresses as appearing in the title clause of MACP No. 568 of 2013. The matter against respondent No.1 proceeded *ex parte*.
3. Notices in first appeal were issued, but those have been returned to the court with remark as addresses of respondents No.1 and 2 are inadequate. Learned counsel submits that addresses of respondents No.1 and 2 are the same as appearing in police papers and other record, including MACP No. 568 of 2013. Respondents No.1 and 2 are from Chattisgarh State.
4. In the circumstances, learned counsel for appellant submits that respondents No.1 and 2 are avoiding service, therefore, appellant may be allowed to serve the respondents through RPAD in addition to regular court process.

5. As such, civil application is allowed in aforesaid terms and is disposed of accordingly.
6. Re-issue notice to respondents No. 1 and 2, in addition to service through court process, by RPAD, returnable on 03-04-2018.
7. Appellant shall serve respondents no. 1 and 2 by any legally acceptable private mode of service and file affidavit along with tangible proof to that effect within a period of one week before returnable date.

Sd/-

[SUNIL P. DESHMUKH]
JUDGE

MTK