

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

CA/8654/2018
IN FIRST APPEAL NO. 889 OF 2012

Shaikh Alimoddin So Haji Amirsab
Chaudhari Died through LRs. and others ...Applicants

Versus

The State of Maharashtra
Through the Collector, Latur & others ... Respondents

Mr.R.P. Adgaonkar, Advocate for the applicants
Mr. A.S. Shinde, Advocate for the respondent/state

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.**

DATED : 13.07.2018

P.C. :-

Heard Mr. R.P.Adgaonkar, learned counsel appearing for the applicant. He submits that the notice was already issued to respondent No.3 i.e. the Acquiring Body but for the change in address of respondent No.3, the notice could not be served to respondent No.3. The learned counsel submits that fresh address of respondent No.3 is revealed and same is referred in the application. Then he prays for issuance of afresh notice on the address given in the application so as to serve respondent No.3. The learned counsel further submits that as respondent No.3 is necessary party to the proceedings, the applicant be permitted to serve respondent No.3 by private service.

2. In view of the submission of the learned counsel and for the reasons stated in the application,

the application is allowed.

3. Issue fresh notice to respondent No.3 on the address given in the application making it returnable within six weeks. The applicant is also permitted to serve respondent No.3, by way of private service or any other permissible mode of service. If applicant has served the notice to respondent No.3 by privately service, the applicant to place on record the affidavit of service of notice. Stand over to 20.08.2018.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]