

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CAF NO.2219/2018 IN FIRST APPEAL NO.340/2014

[Shital wd/o Anil Jirwankar and others .vs. Jakkir Hussain S. Tilor Ismail and others]

.....
Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

.....
Court's or Judge's orders

.....
Shri Raju Kadu, Adv. h/f Shri S.D. Chande, Advocate for Applicants,
Ms Anita Mategaonkar, Advocate for Respondent No.3.
.....

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 26, 2018.

This is an application filed by the applicant-appellant for restoration of appeal dismissed against respondent no.2.

Heard the learned counsel for the parties.

It is submitted by the applicant that the instant appeal was listed before this court on 24.9.2014 and it was admitted by this court. After the issuance of notices of the respondents, respondent no.2 could not be served for want of correct and detail address of respondent no.2. The matter was listed before the learned Registrar (Judicial) on various dates for supply of correct and detail address of respondent no.2. On 5.6.2018 it was fixed for supply of correct and detail address of respondent no.2, however, the applicant could not supply the detailed address of respondent no.2. Hence, the learned Registrar (Judicial) dismissed the appeal against respondent no.2.

Learned counsel for applicant submitted that the applicant was not having the knowledge about the correct address of respondent no.2 and therefore the appeal came to be dismissed against him. He prays for restoration of appeal.

For the reasons mentioned in the application, the order dated 5.6.2018 passed by the learned Registrar (Judicial) can be set aside. Accordingly, it is set aside and appeal restored to the file.

The application stands disposed of.

Civil Application (CAF) No.2220/2018

This is an application filed by applicants-appellants for grant of permission to serve respondent no.2 by way of paper publication.

Heard the learned counsel for the parties.

It is submitted by the applicant that on 12.11.2010, the notices were issued by this court. On 26.12.2014 the bailiff report was received stating therein that respondent no.2 does not reside on the address mentioned. Therefore, the applicant seeks leave of this court to publish the notice to respondent no.2 in daily news paper "Hindi Milap Hyderabad" in the State of Andhra Pradesh at his own costs and expenses.

In view of the fact that the newspaper has a wide circulation in State of Andhra Pradesh, the applicant-appellant is permitted to serve respondent no.2 by way of paper publication in the daily newspaper "Hindi Milap Hyderabad" in the District Karnool in State of Andhra Pradesh.

With this observation, the application stands disposed of.

JUDGE