

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 1021 OF 2019
IN SECOND APPEAL NO. 441 OF 2008**

Madhukarrao Baburao Salunke & Ors. ...Applicant

Versus

Rashatabee Abdul Karim Bagwan (Died ...Respondents
through Lrs) & Ors.

.....

Mr. S. M. Vibhute, Advocate for Applicant.

Mr. Dhananjay Deshpande & Mr. P. P. Patil, Advocates for
Respondent No. 1A to 1C, 4 to 6.

Mr. Dhananjay Deshpande, Advocate for Respondents No. 7A
to 7D & 8.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17-01-2019.

ORAL ORDER :

01. The learned Advocate submits that he has instructions to appear for respondent No. 1C-2. He should file his vakalatnama within one week in office. The learned Advocate for the applicant submits that the notice was issued to respondent No. 1C-1 at the last known address. However, the same has returned unserved stating that no such person is residing at the address and the address is not complete. Under such circumstance, there is no other way left for the applicant to get a paper

publication.

02. Perused the report of the Bailiff. No doubt, a statement can not be made that respondent No. 1C-1 is avoiding the service, but, it was issued at the last known address to the applicant. Under such circumstance, the paper publication is permitted. Relief is granted in terms of prayer clause "A" to be made returnable on 18.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-