

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

908 WRIT PETITION NO.7267 OF 2018
WITH CA/6968/2019 IN WP/7267/2018

SHANKAR JAYRAM KOLAPKAR THROUGH POWER OF ATTORNEY
PRABHAKAR JAYRAM KOLAPKAR
VERSUS
RAFIQ ABBASBHAI SHAIKH DECEASED LRS SHAMIM ABBASBHAI
SHAIKH AND OTHERS

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Advocate for Petitioner : mR. Bajaj Anil S.
Ms. Ansari A.N. For R No. 2,;
MR. Dixit Satyajeet S For R No. 4;.

CORAM : P.R. BORA, J.
DATED : 19th June, 2019.

PER COURT:-

1. Heard Shri Bajaj, learned counsel for petitioner. In the present matter, vide order passed on 15th February, 2019, fresh notice was directed to be issued and was directed to be published by the petitioner in Daily Sakal, Ahmednagar Edition and also in Nasik Edition to serve Respondent Nos.14 and 17 respectively.

2. Office remark shows that the office has not issued the Draft of the notice by raising an objection that according to the version of the petitioner himself, one of the respondents is residing in Mumbai and the address of Mumbai was also given and in such circumstances, the notice so far as that respondent is concerned, requires to be published in any of the newspapers being circulated in area of Mumbai. The

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learned counsel submits that the report received from the bailiff reveals that Respondent No.17 is not residing even at Mumbai. The learned counsel submits that his last known address was of Sangamner and most of the respondents which are in relations with each other, are residing either in Nasik or at Sangamner. In the circumstances, according the learned counsel, the purpose will be served if the order passed on 15th February, 2019 is complied with.

3. In view of the submissions made, the office objection is waived. Office to provide a Draft of the notice to be published, as directed in the order passed on 15th February, 2019. The notice be made returnable after four weeks i.e. 27th July, 2019. The petitioner shall file an affidavit of service with two copies of the newspapers wherein the notice would be published.

. Hamdast permitted.

(P.R. BORA)
JUDGE

BDV