

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

901 CIVIL APPLICATION STAMP NO.23030 OF 2019
IN
FIRST APPEAL NO.334 OF 2009

NEW INDIA ASSURANCE CO LTD.
VERSUS
BHAGAJI GANPAT KAPSE AND ORS

...
Advocate for Applicant : Mr.S.G.Chapalgaonkar
Advocate for Respondent nos.1 & 2 :
Mr.S.K.Barlota.

...
CORAM : V.L.ACHLIYA, J.
DATE : 25.07.2019

PER COURT:

1] Learned counsel for the applicant tendered an application seeking permission to serve respondent no.3 by way of paper publication. Learned counsel submits that during the course of hearing before the trial Court, respondent no.3 remained absent and court proceeded *ex parte*.

2] Filing of the affidavit / affirmation is dispensed with. Application be registered.

3] Considering over all facts of the case and old pendency of the Appeal, I am of the view that Application deserves to be allowed. Civil Application is allowed in terms of prayer clause 'B' subject to payment of publication charges.

4] Notice be made returnable on 26th August, 2019.

5] Stand over to 26th August, 2019.

[V.L.ACHLIYA]
JUDGE

DDC