

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CIVIL APPLICATION NO.14513/2019
IN
FIRST APPEAL NO.3421 OF 2015
WITH CA/16672/2015 IN FA/3421/2015

NEW INDIA ASSURANCE COMPANY LTD
VERSUS
SUREKHA BALU TAYADE AND ORS

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CORAM: H.M.BHOSALE
REGISTRAR (JUDL)

DATED: 10/12/2019

1. Having considered Bailiff report dated 20.6.2019, it transpires that respondent nos.4 and 6 are residing on the same address, but the notices were not served upon them as they were out of village for some work. In view of the Bailiff report the substituted service under Order 5 Rule 20 of CPC cannot be permitted. In order to avail the provisions under Order 5 Rule 20 of CPC, there should be sound grounds on record to show that despite bonafide efforts the respondents are not traceable. The order of substituted service cannot be used as a matter of routine.

2. In these circumstances, reissue notices to respondent nos.4 and 6 on their addresses. The Office is directed to make specific endorsement on the notice that the Court concerned shall serve the same

positively and without fail. The Office also make a note that if the Bailiff is unable to serve the notices, he shall mention specific reasons in order to show his bonafides. The trial Court is requested to make efforts to serve the notices. The Civil Application is disposed of.

REGISTRAR (JUDL)