

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE**

MISC.CIVIL APPLICATION NO. 762 OF 2019

IN

APPEAL FROM ORDER NO. 69 OF 2016

XENCORA ANANT VERLEKAR (DEC) THR.
HIS LRS. AND ANR.,

... Applicants

Versus

ATMARAM XEMBU POI PALONDICAR (DEC)
THR. LRS., REP. THR. ATT.
RAMCHANDRA ATMARAM PAI
PANANDIKAR.,

... Respondent

None present.

REGISTRAR'S ORDER

By this application the applicants prays to issue notices to respondent nos. 1(c), 1(d), 1(f) by substituted service by way of publication in the daily newspaper.

On perusal of record, it reveals that the respondent nos. 1(a) to 1(j) are represented through POA in R.C.A. No. 99/2002 before the Ld. District Judge -2, Margao. Further, it reveals that vide bailiff report dated 21.12.2016 the respondent nos. 1(c) & 1(d) presently reside in USA and 1(f) reside at Gurgaon, Delhi. The notices was again re-issued to the above respondents through POA. From bailiff report dated 15.04.2017, it reveals that the bailiff came to know that the POA has expired and respondent nos. 1(c)& 1(d) reside at Abroad and 1(f) reside at Bangalore. The notices were again issued to the aforesaid respondents for serving it on any of the adult member of their family and alternatively by affixation, but those were returned unserved vide bailiff report dated 10.04.2018 and the bailiff could not found any witnesses. So he was unable to affix the notice on the door

of their house.

According to the appellants the addresses of above respondents of 1(c), 1(d) and 1(f) given in the Cause title are the last known address. Though the notices were repeatedly sent on the above address of the respondents, those were returned unserved. The alternative addresses are not made known to the bailiff. Therefore, I am satisfied that the notices will not be served upon respondent nos. 1(c), 1(d) and 1(f) by ordinary way except by way of substituted service.

Hence, application is allowed. Issue notices to respondent nos. 1(c), 1(d) and 1(f) by publication, by publishing it in any daily newspaper widely circulated in the State of Goa. The applicants to pay the necessary process fess, collect the notice and publish it and thereafter to file the affidavit of service.

Accordingly, the Misc. Civil Appln. is disposed off.

Date: 22nd August, 2019

(Kiran A. Bagi)
Registrar(Judicial)

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