

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.131 OF 2019
IN
FAMILY COURT APPEAL NO.124 OF 2018**

Yogesh Mallikarjun Kalake ... Applicant

IN THE MATTER BETWEEN:-

Yogesh Mallikarjun Kalake ... Appellant

Vs.

Sou. Shraddha Yogesh Kalake ... Respondent

Mr.K.B. Ahya i/b S.D. Katke for the Applicant

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: JULY 5, 2019

P.C.:

1. By the above Civil Application, the applicant – husband seeks permission to serve the order of admission dated 16.8.2018 on the Respondent by way of paper publication in daily English journal and one local news paper having circulation in Pune, being Indian Express and Lok Satta. The Family Court Appeal is filed by the appellant – husband challenging the judgment and decree dated 2.1.2018 passed by the Family Court, Solapur in Petition

No.A – 278 of 2016 by which the appellant's petition under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act for dissolution of marriage on the ground of cruelty and desertion, stood dismissed.

2. Petition No.A-278 of 2016 was also served on the respondent wife through paper publication. However, she failed to remain present before the Court and the order of dismissal of the Petition filed by the husband was passed ex-parte.

3. The packet containing the First Appeal was also sought to be served on the Respondent at her last known address. However, as can be seen from the Affidavit of service dated 6th August, 2018, the same was returned by the postal authority with the remark "Address left here to Pune. So is returned to sender."

4. From the above facts, it appears that it is difficult to locate the whereabouts of the wife. In the circumstances, the appellant is allowed to effect service by substituted service as follows :

(i) The appellant shall issue advertisements in local newspapers i.e. Lok Satta (in Marathi) and Indian Express (in English), Pune Editions and also in Tarun Bharat (in Marathi), Parbhani Edition.

(ii) In the said advertisements, the Advocate for the Appellant shall set out that the Appellant has filed the above Appeal before this Court impugning the order of the Family Court dated 2.1.2018 in Petition No.A-278 of 2016 and that the same is admitted by a Division Bench of this Court dated 16.8.2018. The order dated 16.8.2018 admitting the Petition shall be reproduced in the advertisements in its entirety and the Respondent shall also be informed that the Appeal paper book be collected from the Office of the Advocate for the Appellant and further that the Appeal is fixed for final hearing after six weeks from the date of publication.

5. Civil Application is disposed of accordingly.
6. List the appeal for final hearing after six weeks from the date of publication.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)