

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.126 OF 2019

IN

CIVIL REVISION APPLICATION NO.497 OF 2018

Rambujharat Bhumidhar Yadav (deleted since deceased)
through Rajaram Rambujharat Yadav and others ... Applicants
Vs.
Bharat Vasram Chudasama ... Respondent

Ms Kalpana Trivedi for Applicants.

CORAM : R. G. KETKAR, J.

DATE : APRIL 9, 2019

P.C. :

Heard Ms Trivedi, learned Counsel for the applicants.

2. By this Application, the applicants have prayed to serve the notice on the respondent through paper publication i.e. Free Press Journal and Navakal. In the Application, it is stated that Civil Application No.466 of 2018 is taken out by the applicants for condoning the delay of 14 days caused in filing the C.R.A. By order dated 06.08.2018, notice was issued to the sole respondent, returnable on 10.09.2018. The Application for condonation of delay thereafter listed for orders before this Court on 14.01.2019. In the order, it was noted that office remarks show that notice issued to the sole respondent returned unserved with Bailiff remark that “not found, left premises since 5 years back”. It is further asserted that the Advocate for the applicants tried to serve the respondent through R.P.A.D. not only at his last known address i.e. at the address of the suit premises but also at respondent's vaguely known address at Saphale, Maharashtra. However, from the electronic acknowledgment of the said R.P.A.D., it is not clear whether the

respondent is served or not. In paragraph 4, it is asserted that respondent is not staying in the suit premises since last 5 years. The applicants do not know any other address or whereabouts of the respondent and his family. In view thereof, prayer is made for serving the respondent through paper publication.

3. In my opinion, the applicants have not taken effective steps for serving sole respondent. The applicants have not made any enquiries with the neighbours for finding out address of the respondent and his family to which they have shifted. Even they have not made enquiries with the nearest post office for finding out address of the respondent. In view thereof, no case is made out for granting any relief in this C.A. Civil Application is disposed of reserving liberty to the applicants to file Application afresh after making efforts, indicated hereinabove. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab