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

**CIVIL APPLICATION NO.397 OF 2019
(For Publication)
IN
CIVIL REVISION APPLICATION NO.385 OF 2017**

Pandurang Vaman Khare and Anr. ...Applicants

IN THE MATTER BETWEEN

Pandurang Vaman Khare and Anr. ...Petitioners

Versus

Medha Anilkumar Potdar

Through power of attorney

Anilkumar Gopal Potdar and Ors. ...Respondents

Mr. Mandar Limaye, for the Applicants/Petitioners.

Ms. Asawari Ayachit i/b Mr. M. M. Kale, for Respondent Nos.1, 3, 5 and 7.

Ms. Kirti Taralkar i/b Mr. S. A. Masal, for Respondent No.8.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th FEBRUARY, 2020

P.C. :

1. Heard learned counsel for the Applicants.
2. By this application, the Applicants have sought the following substantive prayer:-

“5(a) This Hon’ble Court may be pleased to allow the Applicants to

serve the Respondent No.2 by publishing the notice in Newspapers namely “Sakal” and “Pudhari”.”

3. It appears that the aforesaid Civil Revision Application came before the learned Registrar (Judicial – II) on 7th January, 2019 and the matter was adjourned for three weeks as service to respondent no.2 was incomplete. Admittedly, all other respondents have been served.

4. The office noting shows that notice issued to respondent no.2 is returned unserved with bailiff’s remark ‘left the address’. It appears that the applicant thereafter furnished fresh address to the registry and fresh notice was issued to respondent no.2 on the new address. It appears that the said notice was returned unserved with bailiff’s remark ‘left the premises and no one knows his present address’. Pursuant thereto, the Registrar (Judicial – II) directed the applicants to take steps to serve the respondent no.2, failing which, the application was dismissed, as against the respondent no.2. The said direction is on page 7 of the application.

5. As according to the learned counsel for the applicants, the respondent no.2 cannot be served on the last known address, it is necessary to serve Respondent no.2 by paper publication.

6. For the reasons set out in the application, the application is allowed in terms of prayer clause (a). Paper publication to be carried out within three weeks from today. Affidavit of paper publication to be filed one week thereafter.

7. Application is accordingly disposed of.

8. Civil Revision Application to be listed on 16th March, 2020.

REVATI MOHITE DERE, J.