

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.125 OF 2019
IN
CIVIL APPLICATION (CAF) NO. 258 OF 2016
IN
FIRST APPEAL NO. 358 OF 2012

(Maharashtra State Power Generation Co. Ltd., Vs. Smt. Sindhubai W/o Baburao
Zade and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.G.Moharir counsel h/f Shri G.E.Moharir,
counsel for the applicant/appellant.

CORAM : ANIL S KILOR, J.
DATE : 26th FEBRUARY, 2020.

This is an application preferred by the applicant under Order 5 Rule 20 and Section 151 of Civil Procedure Code for substituted service of the notice by publication, on respondent no. 1.

2. This Court on 11th July, 2012 has admitted the instant first appeal, however, the notice to the respondent no. 1 could not be served for want of correct and detailed address. Appellant tried to serve the respondent no. 1 on the address last known, however, inspite of the same, the notice received unserved.

3. In the said backdrop, the learned counsel for the applicant prays for permission to serve the notice to the respondent no. 1 by publishing notice in

the newspaper “Dainik Maha Vidarbha”. According to the learned counsel for the applicant, the said newspaper is having wide circulation in the City of Chandrapur and therefore he submits that he may be allowed to publish the notice in the said newspaper.

4. In view of the fact that even after the appellant tried to serve the notice upon respondent no.1 on the last known address, he has not been served and the notice has received unserved.

5. In the circumstances, the applicant is permitted to serve the notice to the respondent no. 1 by substitute of service as prayed for.

6. Accordingly, the application is disposed of.

JUDGE