

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****927 CIVIL APPLICATION NO. 1162 OF 2021****IN****CIVIL APPLICATION NO. 13946 OF 2018****IN****FIRST APPEAL STAMP NO. 32135 OF 2018**

JIJABAI RAMDAS MALI AND ORS

..APPLICANTS

VERSUS

GORAKH DAGADU NAIKWADI AND ANR

..RESPONDENTS

...

Advocate for Applicants : Mr. V. Y. Bhide

...

CORAM :Abhay Ahuja J.**DATE :30.01.2021.****PER COURT :-**

Heard learned Advocate Mr V.Y. Bhide, for the applicants.

2. He submits that by this application, applicant is seeking substituted service under the provisions of order 5 Rule 20 (1-A) of the Code of Civil Procedure, 1908. He submits that the notice to Respondent No.1 was issued by this Court and also by private mode of service by postal service.

3. He submits that earlier attempts have been returned with the remarks "not residing on the address/ insufficient address".

4. He therefore, seeks substituted service on the respondent No.1 through paper publication in Marathi daily 'Punya Nagari' in its Ahmednagar edition which he submits is widely circulated in Sangmner Taluka of the Ahmednagar

district, where the Respondent No.1 has his address as per the cause title in the Civil Application.

5. Accordingly, Civil Application is allowed in terms of prayer clause (b) and (c). viz

" (b) Office may kindly be directed to issue fresh notice/ summons of the Civil Application and Appeal to the Respondent No.1 herein by newspaper publication in Marathi daily, Punya Nagari, Ahmednagar Edition;
(c) Office be further directed to issue Humdast of the same to the Appellant applicants for doing needful for its publication '

6. The Registry is directed to issue fresh notice of the Civil Application and Appeal to Respondent No.1 returnable on 30.03.2021 for publishing the same in the newspaper publication in Marathi Daily ' Punyanagari' Ahmednagar edition.

7. The applicant to bear the cost of publication.

8. Civil Application is accordingly disposed of.

9. List the Appeal on 30.03.2021.

(ABHAY AHUJA, J.)

Yogesh/