

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**925 CIVIL APPLICATION NO.4333 OF 2021
IN WP/6857/2020**

**SANTOSHI KALYANLAL MEHARWAL ALIAS SANTOSHI
RAJKUMAR KHANDLWAL AND OTHERS
VERSUS
KALYANLAL NANDLAL MEHARWAL DECEASED SHRI HIMMAT
KALYANLAL MEHARWAL AND ANOTHER**

Mr. Ajit M. Gholap, Advocate for the applicants

CORAM : N. J. JAMADAR, J.

DATE : 01-04-2021

P. C.

. This application is preferred to serve the respondent No.5 by way of substituted service in the nature of paper publication as the respondent No.5 could not be served in the ordinary mode despite efforts. There are averments in the application in justification of the prayer for substituted service. It is supported by an affidavit.

2. For the reasons assigned in the application, the application for substituted service stands allowed in terms of prayer clause-B.

3. The learned counsel for the petitioner makes a grievance that the trial court has posted the matter for dismissal

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order on 17-04-2021 for not leading the evidence. A copy of the order sheet dated 31-03-2021 is circulated for the perusal of the court.

4. Since, this court has issued notices to the respondents and today respondent No.5 is ordered to be served by substituted service, it would be necessary to give a reasonable time for service of notice on respondent No.5 by way of paper publication. Notice be thus made returnable on 03-05-2021.

5. Notice be issued in English.

6. The trial court shall not dismiss the suit for want of prosecution till 04-05-2021.

[N. J. JAMADAR, J.]

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