

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1030 CIVIL APPLICATION NO.4531 OF 2021
IN SA/752/2012

BHAUSAHEB VITTHAL GARJE AND ANOTHER
VERSUS
MARUTI BHAGCHAND GARJE DECEASED THROUGH LRS, ASHA
BABASAHEB AGHAVAND OTHERS

...
Advocate for applicants : Mr. Y.V. Kakde

...
CORAM : ANIL S. KILOR, J.
DATE : 08-04-2021

ORDER :

1. This is an Application moved by the appellants for permitting the appellants to serve respondent no. 3 by way of widely circulated Daily Divya Marathi newspaper Beed district edition or any other newspaper in Beed district.
2. This Court admitted the present matter vide order dated 08-03-2013 and granted interim relief in favour of the appellants.
3. Since 2013, the notices are not served upon respondent no. 3.
4. Learned counsel for the applicants states that the address of respondent no.3 mentioned in the title clause is the same address as mentioned by the original plaintiffs i.e. respondents no. 1 and 2 at the time of filing of the suit.

5. However, in spite of the fact that the proper address is given, the notices are not yet served upon the respondent no. 3. In the said backdrop, the applicants pray for permission for substituted service by way of paper publication.

6. In the present matter, as stated above in 2013, the matter was admitted and since then the interim relief is operating and original plaintiffs i.e. respondents no. 1 and 2 are insisting for early disposal of the present Appeal, however, because of non-service of notice to respondent no. 3, the matter cannot be taken up for further consideration.

7. In that view of the matter, it would be appropriate to permit the applicants to serve the respondent no. 3 by paper publication. Accordingly, the Application is allowed in terms of prayer clause (B).

8. The notice accordingly be published within three weeks and the affidavit in compliance of this order shall be filed within one week thereafter. The Application is accordingly disposed of.

[ANIL S. KILOR]
JUDGE

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