

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

33 CIVIL APPLICATION NO. 9240 OF 2021
IN CA/795/2021 IN SAST/25948/2020

MINA SHRIKANT RANMALKAR AND OTHERS
VERSUS
RAGHUVIR RAMCHANDRA RAHINJ AND OTHERS

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Advocate for Applicants : Mr. G. K. Naik Thigle.

Advocate for Respondent Nos.4, 7 & 15 to 19 : Mr. S. R. Deshpande.

Adv. for Respt. Nos.8, 9 & 10-A to 10-D: Mr. S.P. Salgar, h/f Mr. N.V. Gaware.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 13th December, 2021.

P.C.:

. Heard Mr. Thigle, learned counsel for applicants, regarding service to respondent No.11 by paper publication.

2 Mr. S. R. Deshpande, learned counsel for Respondent Nos.4, 7 and 15 to 19 is present. Mr. S. P. Salgar, learned counsel holding for Mr. N. V. Gaware, learned counsel for respondent Nos.8, 9 and 10-A to 10-D is also present.

3 Mr. Thigle, learned counsel for applicants seeks leave to place on record online status report/track report in respect of service to respondent No.11. He submits that in spite of best efforts made by the applicants, they could not succeed to serve respondent No.11 by R.P.A.D. post. Respondent No.11 is avoiding the service. As such,

prayer for service to respondent No.11 by paper publication needs to be allowed. Mr. Thigle, learned counsel for applicants submits that rest of the respondents are served and service affidavit is also placed on record.

4 Having regard to the above submissions, I proceed to pass the following order:

ORDER

- I. The application for substituted service in respect of respondent No.11 is hereby allowed in terms of prayer clause (B).
- II. The applicants / appellants to produce copy of newspaper publication indicating service to respondent No.11 through paper publication alongwith affidavit.
- III. Civil Application No.9240 of 2021 is accordingly disposed of.
- IV. List the second appeal on 31st January, 2022.

[SHRIKANT D. KULKARNI, J.]