

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**8 CIVIL APPLICTION NO.9646 OF 2021
IN SA/485/1995
WITH
CA/6493/2021 IN SA/485/1995**

NANDED MUNICIPAL COUNCIL
VERSUS
BHAGWAN GANOJI MORE AND ORS

...

Advocate for Appellants : Mr. S. V. Kurundkar
Advocate for Respondent No.1, 5 to 12, 14, 19, 20, 22, 25 to 32, 34 to
37, 40 to 42, 44 to 49, 13, 36, : Mrs. C. E. Gaikwad
Advocate for Respondents No.2, 5, 22, 32, 40, 43 and 44 : Mr. A. S.
Radikar
R/3 And 46 Abated(order dt. 14/7/2010)
R/4, 15 To 18, 21,23,24 & 33 Abated

...

**CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 20-09-2021.**

ORDER :

1. Civil Application No.9646 of 2021 has been filed for publication of notice to respondents No.4, 15 to 18, 21, 23, 24 and 33 in daily newspaper. Whereas Civil Application No.6493 of 2021 has been filed for condoning the delay of 2999 days in filing the application for setting aside/recalling order dated 29-11-2011 thereby the second appeal was dismissed against the aforesaid respondents.
2. It appears that the notice was issued at the address of

respondent No.49 which is Nanded Nagar Palika Kamgar Union and it appears that all the aforesaid respondents address has been shown as through General Secretary, Nazir Ahmed, Baba s/o Mohammad Ismail and the address was the Union's Office. It has been stated that the notices issued to aforesaid respondents have been returned as refused to accept due to old age. Statement has also been recorded by the Bailiff that the said Union is not in existence since 2004 and, therefore, he was unable to state where the aforesaid respondents are residing now and then he has stated that he will not be able to accept the notices for all these persons.

3. The learned Advocate for the appellant makes a statement that these persons were serving on the daily wage basis and they were not the employees of the Nanded Municipal Counsel i.e. the appellant. Thus, it is tried to be stated that that is the last address of those respondents and, therefore, the applicant/appellant is praying that notices be issued to them through daily newspaper.

4. Taking into consideration all these aspects and the detailed report of the Bailiff and also the fact that is mentioned in the report that between 06-08-2021 to 20-08-2021 the concerned Bailiff had gone even to Marathwada Rashtriya Mill Majdoor Sangh Itak Mill

Road and Nanded Contract Co-Operative Society Federation Ltd. Nanded as well as Industrial Works Union Nanded Textile Mill Nanded to make enquiry about the whereabouts of the respondents. He was not able to collect necessary information regarding their detailed address. Apart from the paper publication which is necessary another mode of pasting the summons on the office of respondent No.49, though it is stated to be not in existence but it can be pasted on the conspicuous part of the office of the appellant/applicant itself just to make it known to the public.

5. With these directions, the Civil Application No.9646 of 2021 stands allowed and disposed of and after the service is completed, place Civil Application No.6493 of 2021 on 18-11-2021.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-

GAWADE
VIRENDRA
J

Digitally signed
by GAWADE
VIRENDRA J
Date: 2021.09.21
10:11:39 +0530