

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAS] No.479 of 2021
in
Second Appeal No.474 of 2018

Santosh @ Ambadas Jayendra Deorankar
vs.

Sandeep Radheshyamji Chandak & others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri J.J. Chandurkar, Advocate for the Applicant/Appellant.
 Shri S.S. Bhalerao, Advocate for Respondent Nos.2 & 3.*

CORAM : S.M. MODAK, J.
DATE : 12th AUGUST, 2021.

Heard the learned Advocate for the applicant/
 appellant.

02] There was a suit for possession and other reliefs against in all the four defendants. The suit was decreed. Defendant Nos.1 & 2 preferred R.C.A. No.70/2015 and defendant No.4-Sandeep preferred R.C.A. No.68/2015. Both the appeals were dismissed. However, the first appellate Court has reduced the damages of Rs.24,000/- granted by the trial Court to Rs.80/- per day. So also, the first appellate Court exonerated defendant No.4-Sandeep from paying the damages, though it was allowed by the trial Court.

03] The present appeal is preferred by the original plaintiff against the order thereby reducing the compensation and exonerating defendant No.4-Sandeep. Though the appellant tried to serve respondent No.1-Sandeep at the addresses of Nagpur as well as Amravati, service could not be effected. It is for the

reason, 'notice is not claimed' and for another reason 'not residing on the given address'. Whereas, the address given in the appeal memo is the same address, which respondent No.1-Sandeep (defendant No.4) gave before the trial Court. Hence, the application for substituted service.

04] The appellant is permitted to serve respondent No.1-Sandeep by substituted service by paper publication in a local newspaper as well as by pasting on both the addresses.

05] The application is allowed and disposed of accordingly.

Second Appeal No.474/2018 :

Heard.

As a limited issue is involved, notice be issued to the respondents for final disposal of the matter at the admission stage, returnable on 30th September, 2021.

Learned Advocate Shri Bhalerao waives notice for respondent Nos.2 & 3. He will make a statement about dispensing with the service on respondent Nos.4 Raghu Khemka after taking instructions.

JUDGE

**sandesh*