

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15708 OF 2022  
IN  
FIRST APPEAL NO.541 OF 2005

MRS. SURYAKALA @ SURYAKANTA RASIK KOTHARI

VERSUS

NARAYAN S/O RAMKRISHNA GADGIL AND OTHERS

...

Advocate present

CORAM: VIMALNATH S. TIWARI  
REGISTRAR (JUDL)

DATED: 22/11/2022

1. The present matter was not on board, however, the same is taken on board after the praecipe moved by the learned Advocate for the applicant.

2. The present Civil Application is filed by the applicant seeking order from this Court for publishing notice in daily newspaper (Daily Sakal) circulated at Pune. The learned Advocate for the applicant submits that the First Appeal No. 541/2005 came to be admitted by the Hon'ble High Court on 24.08.2006 and the notice was issued to the respondent No. 1. However, the said notice

though was sent but was not served on respondent No. 1, for the reason that, he is not residing on the given address. The learned Advocate further submits that, despite best efforts, he could not obtain fresh address of the respondent No. 1 resulting into which the order passed by Registrar in Civil Application No. 12314/2008 could not be complied. He would also submit that when he moved before the Hon'ble Court for early hearing, the office intimated about the non-filing of paper publications, thus, seeking time from Hon'ble Court till 02.12.2022. However, for want of compliance of service to respondent No. 1, he has moved the present application, for taking necessary steps to serve the respondent No. 1 by way of substitute service.

3. Heard the learned Advocate for the applicant. None appeared for the other side. Perused the record including the present Civil Application, wherein it appears that my learned predecessor had passed an order for issuing notice to the respondent No. 1 by way of paper publication in daily newspaper at Pune. However, it appears that the said order has not been complied for the reasons mentioned in the application and it came

to the notice of the parties when the matter was fixed for early hearing, that the matter is under objection. Thus, for the reasons stated which is convincing and in order to serve the respondent No. 1 by way of substitute service, the present application needs to be allowed. Hence, I pass following order.

### **ORDER**

The present Civil Application is hereby allowed. Applicant/ Ori. Appellant is directed to reissue notice to the respondent No. 1 i.e. Narayan S/o Ramkrishna Gadgil by way of paper publication in Daily Sakal, duly circulated at Pune. The Civil Application is thus, allowed in terms of prayer clause 'B'.

REGISTRAR (JUDL)