



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**910 FIRST APPEAL NO. 1881 OF 2020
WITH CIVIL APPLICATION NO. 5964 OF 2020
IN FA/1881/2020 WITH CIVIL APPLICATION NO. 15464 OF
2023 IN FA/1881/2020**

THE RELIANCE GENERAL INSURANCE COMPANY THROUGH
ITS BRANCH MANAGER, AURANGABAD
VERSUS
RATNABAI SANJAY THAKRE AND OTHERS

.....
Mr. Aniruddha S. Usmanpurkar, Advocate for the Appellant.
Mr. V. P. Raje, Advocate for Respondent Nos. 1 to 3.
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 22 DECEMBER 2023

PER COURT :-

1. Learned Advocate for the appellant has produced service affidavit in respect of respondent no.6. The track report is produced which says that the item is delivered. Under such circumstance, it is taken as good service. Since respondent no.6 has not caused appearance, matter to proceed ex-parte.

2. As regards respondent no.7 is concerned, it is pointed out that the pocket appears to have been received by some other lady and it cannot be gathered that she is a family member of respondent no.7.

The appellant has filed Civil Application No. 15464 of 2023 for substituted service i.e. publication in daily local newspaper. However, that can be taken as a last resort, that too when it is found by the court that the concerned defendant/respondent is avoiding service. The resort to Order V Rule 20 of C.P.C. is a last resort. No doubt the bailiff report of the earlier service has said that respondent no.7 is not residing at the given address and therefore it appears that chance was given to the appellant to serve respondent no.7 privately/independently. Taking into consideration the report received as well as now the track report of RPAD, we direct once again as regards re-issuance of notice/summons to respondent no.7, made returnable on 24.01.2024.

3. Civil Application No. 15464 of 2023 stands disposed of accordingly.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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