

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.1316 OF 2018
WITH
INTERIM APPLICATION NO.1632 OF 2020**

Shri Tanaji Shankar Patil ... Appellant/Applicant
Vs.
Shri Rajaram Anandrao Methe and ors. ... Respondents

Mr.T.S.Ingale, Advocate for the Appellant/Applicant.
Ms.Poonam Mital, Advocate for Respondent No.2.

**CORAM : ABHAY AHUJA, J.
DATE : 05 JUNE, 2023.**

P.C. :

1. By this interim application the Applicant is seeking substituted service upon Respondents No.3 and 5 under Order V Rule 20 of the Civil Procedure Code, 1908. Learned counsel for the Applicant draws the attention of this court to paragraphs No.2 and 3 of the application and submits that as far as Respondent No.3 is concerned, the notice has been returned back unserved with the postal remark "Not known returned to sender". As far as notice to Respondent No.5 is concerned, the same has been returned back to the Applicant with remark "Not found returned to sender". Learned counsel would submit that therefore, left no option.

Substituted service as prayed for under Order V Rule 20 of CPC by publishing the said notice in local daily newspaper “Daily Tarun Bharat” at Kolhapur and Sangli be permitted. The learned counsel for the Respondents has no particular objection, if the application is allowed.

2. Having heard the learned counsel for the parties and having perused the papers, application for substituted service stands allowed in terms of prayer clause (a).

3. Let the notice in Daily Tarun Bharat at Kolhapur and Sangli be published within a period of four weeks and an appropriate affidavit of service be filed.

4. Interim Application stands disposed of.

5. As far as the remark in the cause-list with respect to the private paper-book is concerned, learned counsel for the Appellant submits that private paper-book had already been filed on 31st March, 2020. Registry to verify the same and place the private paper-book in the court proceedings.

6. List on 6th July, 2023.

(ABHAY AHUJA, J.)