

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1637 OF 2023
IN
INTERIM APPLICATION NO. 20502 OF 2022
IN
CIVIL REVISION APPLICATION NO.468 OF 2007

Chandraprabha s. Salgaonkar
(since deceased) through legal heirs
Shri. Ulhas Yashwant Bandekar

In the matter between

Chandraprabha S. Salgaonkar
(since deceased) through legal heirs
Shri. Ulhas Yashwant Bandekar

...Applicant

Versus

Sharda Chhotelal Patel

...Respondent

Mr. Parth Modak i/b Preeti Walimbe, for the Applicant.

CORAM : MADHAV J. JAMDAR, J.

DATE : 24th MARCH, 2023

P.C.:

1. The Interim Application No. 20502 OF 2022 is taken out for restoration of Civil Revision Application No. 468 of 2007 which was dismissed for want of prosecution by common order dated 8th January, 2018 passed by learned Single Judge of this Court in Writ Petition No.8313 of 2009 with Civil Revision Application No.468 of 2007. There is delay in taking out the Interim Application No. 20502 of 2022.

2. This Court by order dated 22nd December, 2022 issued

notice to the Sole Respondent and made the same returnable on 23rd February, 2023. Private notice was also permitted. The private notice sent by Advocate of the Applicant has returned back with remark that “addressee left without instruction, return to sender”. The date of the postal remark is 5th January, 2023. As far as notice issued to the sole Respondent through Bailiff is concerned, remark shows that, “the Respondent is left place two years back for state of Gujarat.”

3. In the Interim Application No. 1637 of 2023 it has been mentioned that, the address of the Respondent mentioned in the Application is the last known address the Applicant and therefore, prayer is made to allow service of the Respondent by publication in daily newspaper Kille Raigad which is stated to be daily newspaper having circulation in local area of Alibag

4. For the reasons set out in the Interim Application, the same is allowed. In the notice to be published in newspaper and notice to be affixed, returnable date be shown as 23rd June, 2023. The Applicant also to comply with other requirements of Order V Rule 20.

5. The Interim Application is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)