

FIRST APPEAL (STAMP) NO.3150 OF 2021

WITH
INTERIM APPLICATION NO.18537 OF 2022
WITH
INTERIM APPLICATION (STAMP) NO.3153 OF 2021

CORAM : **AMIT BORKAR, J.**
DATE : **JANUARY 30, 2023**

1. The original defendant no.1 who is appellant has filed present application seeking permission to serve respondent nos.2 to 4, 7 and 8 via publication in two newspapers i.e. (1) Free Press Journal and (2) Navshakti.

2. As per averments in paragraph no.6, the applicant tried to serve notice of present appeal on the address mentioned in the cause title of the suit. Additionally, learned advocate for the appellant has sent a communication to the advocate for respondent no.1 seeking details of addresses of unserved respondents which has been replied by the advocate for the respondent no.1 stating that respondent no.6 expired on 19th

March 2022 and respondent no.3 is residing alongwith respondent no.1.

3. On perusal of the averments in the application, it appears that inspite of best efforts of the applicant, addresses of respondent nos.2 to 4, 7 and 8 are not traceable.

4. The respondent no.3 is residing alongwith respondent no.1, therefore, respondent no.3 can be served on the address of respondent no.1. Insofar as the respondent nos.2 to 4, 7 and 8 are concerned, the application needs to be allowed. Therefore, application is allowed in terms of prayer clause (a) as regards respondent nos.2 to 4, 7 and 8.

5. The notice of pendency of present appeal be published in the newspaper mentioned in the prayer clause. The returnable date be mentioned as **27th February 2023**.

(AMIT BORKAR, J.)