



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.8550 OF 2024
IN FIRST APPEAL NO. 1400 OF 2024**

Excellent Construction Pvt. Ltd.

VERSUS

Seema Sharad Mutha And Ors

Mr.V.D.Sapkal, Senior Advocate h/f. Mr.P.P.Kothari, Advocate for
APPLICANT

Mr.Nimish More, Advocate h/f. Mr.Devang Deshmukh, Advocate for
respondent no.4/A

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : AUGUST 23, 2024

ORDER :-

This is an application by the appellant for substituted service against respondent no.5 by paper publication. We have perused the application. The relevant paragraphs thereof read thus:-

3. However, the Bailiff's report of such service upon respondent No.5 in view of Order dated 28.06.2024 was not received before the said returnable date. Hence, on 12.07.2024, *inter alia*, this Hon'ble Court was pleased to reissue notice upon Respondent No.5, made returnable on 26.07.2024.

4. Now, the report of the office of Bailiff regarding status of service upon Respondent No.5 mentions that it is "returned unserved or not residing on given address as per Bailiff's report". However, the address of Respondent No.5 mentioned in the cause title is the only address that was known to the Appellant.

5. As also, it is pertinent to note that before the Trial Court, the Respondent No.5 was served by paper publication, as has been recorded in the Impugned Judgment dated 18.01.2024.

3. In view of the above, the application is allowed in terms of prayer clause (B). Needful be done by the office and the appellant.

4. The next date in the First Appeal be mentioned in the notice, post three weeks from the date of the paper publication.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP