



CAS No. 835/2024 in Second Appeal No. 45/2019

Coram : Registrar(Judicial)
Dated : 03.10.2024

This application is filed for addition of party i.e. remaining legal heirs of respondent no.9 i.e. proposed respondent nos. 9(d) to 9(g) as mentioned in the application. It is stated that while drafting application for condonation of delay and setting aside abatement (CAS No. 530/2023) and for bringing legal representatives of deceased respondent no.9 on record (CAS No. 529/2023), inadvertently only names of three legal representatives of the said deceased respondent were mentioned i.e. respondent no. 9 (a) to 9 (c). It is further stated that respondent nos. 9(d) to 9(f) are sons and 9(g) is daughter of the deceased respondent no.9. Thus, the proposed respondent nos. 9(d) to 9(g) are also required to be incorporated in CAS Nos. 530/2023 & 529/2023 as LRs of deceased R. No.9.

Since the application is formal in nature and supported by affidavit, the same is allowed. The applicant is permitted to add proposed respondent nos. 9(d) to 9(g) in CAS Nos. 529/2023 & 530/2023. Necessary amendments be carried out in the cause title of the applications.

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CAS No. 836/2024 in S.A No. 45/2019

This application is filed under Order 5 Rule 20 of the Code of Civil Procedure, 1908, for substituted service upon proposed **respondent no. 9 (a) to 9 (c)** by paper publication. It is stated that the notice issued to the aforesaid respondents returned back unserved for want of correct address. It is stated that no other address except the present one is available with the applicant. It is further stated that the applicant tried to search another address of the aforesaid respondents, however, the same could not be found. Thus, the applicant seeks permission to serve the aforesaid respondents by way of paper publication or by pasting copy on the notice on the door of last known address of the aforesaid respondents, for further adjudication of the matter.

Considering the reasons mentioned in the application and the bailiff report, the applicant is allowed to serve aforesaid respondents by substituted service on last known address.

Substituted service be effected upon the aforesaid **respondent no. 9 (a) to 9 (c)** by publishing notice in widely circulated local daily newspaper i.e. ("**Sakal**" **Chandrapur Edition**), in terms of Order V Rule 20 (1-A) of CPC, returnable within four weeks from the date of publication of notice.

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CAS No. 837/2024 in S.A No. 45/2019

This application is filed under Order 5 Rule 20 of the Code of Civil Procedure, 1908, for substituted service upon proposed **respondent no. 2-A** by paper publication. It is stated that the notice issued to the aforesaid respondent returned back unserved for want of correct address. It is stated that no other address except the present one is available with the applicant. It is further stated that the applicant tried to search another address of the aforesaid respondent, however, the same could not be found and even exhausted all means and measures to ascertain the proper address. Thus, the applicant seeks permission to serve the aforesaid respondent by way of paper publication or by pasting copy on the notice on the door of last known address of the respondent, for further adjudication of the matter.

Considering the reasons mentioned in the application and the bailiff report, the applicant is allowed to serve aforesaid respondents by substituted service on last known address.

Substituted service be effected upon the aforesaid **respondent no. 2(A)** by publishing notice in widely circulated local daily newspaper i.e. ("**Sakal**" **Chandrapur Edition**), in terms of Order V Rule 20 (1-A) of CPC, returnable within four weeks from the date of publication of notice.

Dated:03.10.2024

(D.P. Satawalekar)
Registrar(Judicial)