



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 CIVIL APPLICATION NO. 10577 OF 2025
IN CRA/83/2009

THE MUNICIPAL COUNCIL JALNA THROUGH ITS CHIEF OFFICER
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR AND OTHERS

...

Mr. S. D. Hiwrekar, Advocate for Applicant
Mr. S. V. Hange, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 26.09.2025

PER COURT :-

1. It is stated that during the pendency of the proceedings, respondent nos. 13, 17 and 20 have died. Accordingly, this Civil Application has been filed to bring on record the legal representatives of the deceased respondent, as set forth in Paragraph no.3 of the Application. It is further submitted that some time has elapsed in ascertaining and collecting the particulars of the proposed respondents (i.e. the legal representatives), which has caused a delay in filing this Application. The Applicant contends that the delay has not arisen from any negligence on their part. In view thereof, the Applicant seeks to amend the title clause of the Application to permit the addition of the names of the proposed respondents (legal representatives of deceased Respondents Nos.13, 17 and 20), as mentioned in Paragraph no. 3 of the Application.

2. Mr. Hiwrekar further submits that despite regular mode of service on Respondent No.8, service has not been effected. He demonstrates a reasonable apprehension that Respondent No.8 is either evading service or is not traceable at the service address. Accordingly, he invokes the provisions of Order V, Rule 20 of the Code of Civil Procedure, and seeks permission for substituted service by publication in the local newspaper "Dainik Punyanagari", Jalna Edition.

2. Therefore, for the reasons stated in the application, the civil application is allowed in terms of prayer clause "B" and "D".

3. Applicant is permitted to incorporate the names of the legal representatives of deceased Respondents Nos.13, 17 and 20 (as listed in Paragraph 3 of the Application). Necessary amendment in the title clause shall be carried out accordingly.

4. Office to issue notice to respondent no.8 through paper publication in "Dainik Punyanagari", Jalna Edition, at the cost of the applicant.

5. Notice is made returnable on 05.12.2025.

6. Issue notice to the newly added respondents i.e. legal representatives of respondent nos.13, 17, 20, returnable on 05.12.2025.

7. Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]