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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12411 OF 2019
WITH
INTERIM APPLICATION NO. 1302 OF 2026
WITH
INTERIM APPLICATION NO. 1305 OF 2026
WITH
INTERIM APPLICATION NO. 1303 OF 2026**

Prabhakar Savitra More and Anr ... Petitioners/Applicants

vs.

Appasaheb Babanrao Dhyabar and ... Respondents
Ors

Mr. Prajakt M. Arjunwadkar a/w. P.S. Hande, J.B. Gharat for the
Petitioners

Mr. Samir Suryawanshi and Bhakti Wast for Respondent Nos. 1 and
2.

CORAM : GAURI GODSE, J.

DATED : 16th MARCH 2026

ORDER:

1. These applications are filed for substituted service upon respondent nos. 3, 4 and 7. In the applications, the petitioners have stated that the private notice was returned with the remark 'address incomplete'. Learned counsel for the petitioners has filed additional

affidavits. As per the office remark, notice issued to respondent nos. 3 and 4 is returned with the bailiff remark 'address incomplete' and notice of respondent no.7 is returned with remark "left her room and went to village before 10 years".

2. The suit was dismissed against respondent nos. 3 and 4(i.e. defendant nos. 3 and 4) on the ground that no steps were taken to pay the process fee. It appears that till date the petitioners, i.e. the original plaintiffs, have not bothered to provide the complete address of respondent nos. 3 and 4. In view of the bailiff's remark and the service affidavit for private service, the address is incomplete. Hence, the substituted service by way of newspaper publication cannot be permitted, unless service is attempted by regular mode of service. So far as respondent no.7 is concerned, it appears that she was served on the same address in the trial court. The additional affidavits states the updated address of respondent nos. 3, 4 and 7 were provided on 25th February 2021 in the registry. However, neither the title is amended, nor the record shows that any notice was issued on updated address.

3. Interim Applications are therefore rejected.

4. By way of last chance, the petitioners are granted three weeks time to supply the correct address of respondent nos. 3 and

4, failing which the petition will be dismissed on the next date.

5. Stand over to 15th April 2026.

(GAURI GODSE, J.)