

Review Petition No. 1/2018

Babu V/s. State & anr.,

Order Below Exh. 1

The petition was presented on 23/07/2018. On 25/07/2018 notices were issued to respondents. Respondent No. 4 to 8 appeared after service of notice. The respondent No. 2 and 3 though served vide Exh. 5 and 6 respectively, failed to appear.

[2] Respondent No. 9, 10 and 11 are not yet served. Record reflects that, on 15/02/2019 by filing application Exh. 16 applicants sought issuance of fresh notice to respondent No. 9, 10 and 11. However, speaking order was passed on the application Exh. 16. It was already seen that, the respondent No. 9 is reported to be dead, while respondent No. 10 and 11 are not residing on the given address. Instead of verifying the facts and more particularly address of respondent No. 9 to 11, applicants again sought issuance of fresh notice on 15/03/2019 by filing application Exh. 17. Same was rejected in the light of order Exh. 16.

[3] Today the applicant Babamiya Dadamiya Shaikh produced two affidavits Exh. 18 and 19. It is contended on oath that, respondent No. 9 to 11 are residing on the given address. It goes to show that, the applicant Babamiya Dadamiya Shaikh is challenging correctness of the Bailiff report Exh. 8. Therefore, it becomes necessary to verify the correctness of the report Exh. 8. In view of statement on oath of the applicant I also find it just and reasonable to issue fresh notice to respondent No. 9 to 11 on their given address, so that, the confusion is removed. Hence, I pass following order :

ORDER

- [1] Issue notice to the concerned Bailiff, who filed the report upon the summons Exh. 8. The copy of affidavit be enlisted along with the notice.
- [2] Issue fresh notice to respondent No. 9 to 11 on the given address.

Sd/-

Sangram B. Kale

Jt. Civil Judge, S. D., Niphad.

Date : 29/03/2019.