

KABG040012642021



27.11.2024

O.S.No.769/2021

ORDER ON I.A.NO.VI

The counsel for plaintiff has filed application U/O.V Rule 20 R/w. Sec.151 of C.P.C. seeking substituted service of summons to defendant No.7 by paper publication.

2. In the affidavit annexed to the application, it is stated that the defendant No.7 is intentionally evading the service of summons and hence, it is very much necessary to issue summons to defendant No.7 by paper publication.

3. Heard learned counsel for plaintiff.

4. The points that arise for consideration of this Court are as follows :

- i) Whether defendant No.7 is avoiding service of summons and hence it is necessary to issue summons by substituted service ?*
- ii) What order ?*

5. The finding of this Court to the above points are as follows :

Point No.1 : In the Affirmative,

**Point No.2 : As per final order
for the following :**

REASONS

6. **Point No.1 :** The plaintiff has filed the present suit seeking the relief of declaration, permanent injunction and mandatory injunction. Now, the plaintiff has filed the present application seeking substituted service of summons on defendant No.7 by paper publication.

7. In the affidavit annexed to the application, the plaintiff has stated that the defendant No.7 is intentionally evading service of summons though summons has been issued on several occasions in the past. Further that the address mentioned in the

plaint is the last known correct address of defendant No.7 and the plaintiff has also tried to serve the summons at her matrimonial house in Khanapur, District Belagavi through R.P.A.D., but she is evading the service of summons. Hence, the plaintiff has prayed to allow the present application.

8. Perusal of order-sheet also reveals that summons has been issued on several occasions to defendant No.7, but the endorsement received is 'Addressee left'. However, the plaintiff has stated on oath in the affidavit that defendant No.7 is intentionally evading service of summons in order to cause delay in the matter. As such, it appears that the defendant No.7 is evading the service of summons intentionally. Hence, there are sufficient reasons for effecting service of summons by substituted service i.e., through paper publication so as to meet the ends of justice and equity. Therefore, I answer **Point No.1 in the Affirmative.**

9. Point No.2 : For the aforesaid reasons, I proceed to pass the following :

ORDER

The application i.e., I.A.No.VI filed by plaintiff U/O.V Rule 20 R/w. Sec.151 of C.P.C. is hereby allowed.

The plaintiff is permitted to serve summons to defendant No.7 through paper publication i.e., in daily newspaper having wide circulation in the State.

The plaintiff is intending to take paper publication in Marathi Daily Newspaper.

Office is directed to verify the draft publication/citation and thereafter on approval, plaintiff is directed to issue paper publication for service of summons to defendant No.7 through paper publication on or before 11.12.2024.

For appearance of defendant No.7 by 17.12.2024.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**