

KABG040021122022



22.01.2026

Misc. No.46/2022

ORDER ON I.A.NO.I

The counsel for petitioner has filed application U/O.V Rule 20 (1-A) R/w. Sec.151 of C.P.C. seeking substituted service of notice to respondent No.4 by name Smt. Anita @ Vanita W/o. Vittal Patil by paper publication.

2. In the affidavit annexed to the application, the petitioner has stated that the respondent No.4 is evading service of notice since one year and the remaining respondents are taking undue advantage of the said fact and hence it is very much necessary to issue notice to respondent No.4 by paper publication.

3. Heard learned counsel for petitioner.

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

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i) Whether respondent No.4 is avoiding service of notice and hence it is necessary to issue notice 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 petitioner has filed the present petition U/O.XXXIX Rule 2-A R/w. Sec. 151 of C.P.C. for taking action against the defendants in O.S.No.957/2016 for violation of court order dated 27.10.2016. Now, the petitioner has filed the present application seeking substituted service of notice on respondent No.4 by paper publication.

7. In the affidavit annexed to the application, the petitioner has stated that the respondent No.4 is intentionally evading service of notice though notice has been issued on several occasions in the past.

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Further that the address mentioned in the petition is the last known correct address of respondent No.4 and hence, the present application may be allowed.

8. Perusal of order-sheet also reveals that notice has been issued on several occasions to respondent No.4, but the endorsement received is 'Not Known', 'Out of Station', 'Not Found'. However, the petitioner has stated on oath in the affidavit that respondent No.4 is intentionally evading service of notice in order to cause delay in the matter. As such, it appears that the respondent No.4 is evading the service of notice intentionally. Hence, there are sufficient reasons for effecting service of notice 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 :

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ORDER

The application i.e., I.A.No.I filed by petitioner U/O.V Rule 20(1-A) R/w. Sec.151 of C.P.C. is hereby allowed.

The petitioner is permitted to serve notice to respondent No.4 through paper publication i.e., in daily news paper having wide circulation in the area.

The petitioner is intending to take paper publication in 'Ranzunzar' Marathi Daily Newspaper.

Office is directed to verify the draft publication/citation and thereafter on approval, petitioner is directed to issue paper publication for service of notice to respondent No.4 through paper publication on or before 05.02.2026.

For appearance of respondent No.4 by 12.02.2026.

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