

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
PADMANABHAPURAM.

Present: Thiru.P.Paramasivados, B.A.,B.L.,  
Additional District and Sessions Judge,  
Padmanabhapuram.

Thursday the 13<sup>th</sup> day of August 2026

**I.A.No.1/2026**

**in**

**O.S.No.37/2025**

J. Sajin

...Petitioner/Plaintiff

Vs

J. Rexlin Jancy

...Respondent/1st Defendant

This Interlocutory Application has come up for final hearing on 13.08.2026 in the presence of Thiru.S.Sowmya, learned counsel for the petitioner, and respondent not filed counter and upon hearing petitioner side and perusing the records, this Court passes the following:

**ORDER**

This Interlocutory Application is filed by the petitioner under Order V Rule 20 and Section 151 of the Civil Procedure Code seeking to serve the summons to the respondent/1st Defendant in I.A.No.1/2026 through paper publication.

**2. GIST OF THE PETITION:-**

The petitioner herein is the plaintiff in the above suit. The suit is for declaration of title against the defendants. In this case this court directed the petitioner/ plaintiff to take steps to serve the summons but the respondent evading the summon wantonly, Petitioner have taken several steps and there is no

possibility of serving summons to the 1<sup>st</sup> defendant in I.A.No.1/2026. Hence this petition is filed to serve the summons to the 1<sup>st</sup> defendant in I.A.No.1/2026 through paper publication.

### **3. POINT FOR DETERMINATION :-**

Whether this Interlocutory Application deserves to be allowed?

### **4. DISCUSSION AND FINDINGS :-**

Heard the petitioner and perused the records.

5. The petitioner is the plaintiff in the suit for recovery of declaration against the defendants. This Court had earlier directed the petitioner to take steps to serve summons on the 1<sup>st</sup> defendant, as it was reported that the said defendant is evading service of summons. On 01.08.2026 Court notice of 1<sup>st</sup> Defendant was return as not seen affixed.

6. The petitioner has taken several steps to effect service on the 1<sup>st</sup> defendant. However, the petitioner has not been able to trace the exact address of the 1<sup>st</sup> defendant and therefore ordinary service of summons could not be effected. Hence, the petitioner has filed the present application seeking permission to effect substituted service through paper publication on the respondent in I.A.No.1 of 2026.

7. It is seen from the records that reasonable steps have already been taken by the petitioner to effect personal service, but the same has not been successful.

8. Under Order V Rule 20 of the Code of Civil Procedure, when the Court is satisfied that a defendant is keeping out of the way to avoid service, or that for any other reason summons cannot be served in the ordinary manner, the Court

may permit substituted service, including service by publication in a newspaper having circulation in the locality where the defendant last resided.

9. Further, the Hon'ble Supreme Court in *Central Electricity Regulatory Commission v. National Hydroelectric Power Corporation Ltd., reported in (2010) 10 SCC 280* has held that courts may adopt modern methods of service, including electronic modes such as email, mobile messaging services, or other effective means, where circumstances justify such service and where conventional modes of service become ineffective.

10. In the present case, considering that the 1st defendant is stated to be not seen affixed and ordinary modes of service have failed, this Court is satisfied that the petitioner is entitled to effect substituted service. In addition to publication, service may also be effected through any adult member of the family residing at the last known address of the defendant, by affixture at the last known address, and through electronic modes such as WhatsApp, SMS, email, or any other available digital communication, if the contact details of the 1<sup>st</sup> defendant is available, so as to ensure that reasonable opportunity of notice is given to the concerned party.

11. Therefore, this Court finds it appropriate to allow the present application.

## **12. In the Result**

i) This Interlocutory Application is allowed.

ii) The petitioner is permitted to effect substituted service on the respondent/1st defendant in I.A.No.2 of 2025 by way of paper publication. The publication shall be in a size of 5 cm × 5 cm in the Tamil daily newspaper Daily

Dhinamalar. The publication shall be effected on or before **11.09.2026**, citing the next date of hearing as **18.09.2026**.

iii) The petitioner shall also file necessary process on or before 11.09.2026 and pay the prescribed fee to enable this Court to undertake affixture of summons at the last known address of the respondent/1st Defendant in I.A.No.1 of 2026, which shall form part of the substituted service.

iv) In addition, the petitioner is permitted to attempt service through any adult member of the family residing at the last known address of the 1<sup>st</sup> defendant and through electronic modes such as WhatsApp, SMS, email, or any other available digital communication, if such contact details are available, in order to ensure effective notice.

v) No costs.

Dictated to the Steno-typist, directly and typed by her in computer, corrected and pronounced by me in open court, this the 13<sup>th</sup> day of August 2026.

Sd/-

Additional District & Sessions Judge,  
Padmanabhapuram.

ADJ Court Padmanabhapuram,  
I.A.No.1/26 in O.S.No.37/25,  
Draft/Fair Order:  
Dt: 13.08.2026.