

**ORDER ON IA NO.III**

The plaintiff has filed the present application under Order V Rule 20 of the Code of Civil Procedure, 1908 (Hereinafter referred to as 'C.P.C.', for brevity) seeking to issue summons to the defendant No.1 through substitute service by way of affixture.

2. It is averred in the affidavit annexed to the application that, the address of the defendant No.1 as shown in the plaint is permanent and last resided address of the defendant No.1. The suit summons issued to the defendant No.1 through the process of the Court and RPAD unserved. The defendant No.1 deliberately evading the service of the summons of this Court. Therefore, the Court may be pleased to issue summons to the defendant No.1 through substitute service by way of affixture. With these, prayed to allow the application.

3. Heard,

4. The plaintiff has filed the present suit for specific performance of contract dated 07.08.2017. The learned counsel for the plaintiff argued that the summons issued to the defendant No.1 through Court and RPAD was not served and he has been deliberately evading to service of

summons. The address mentioned in the plaint is permanent and the last resided address of the defendant No.1. The plaintiff does not know other address. As such, he prayed to allow the application.

5. On perusal of record depicts that, the summons issued to the defendant No.1 through the process of the Court returned as “ಹುಕ್ಕುಂ ಪ್ರಕಾರ ಸಮನ್ಸ್ ನಲ್ಲಿ ಕಂಡ ಪ್ರತಿವಾದಿಯು ಜಾರಿ ಸಮಯದಲ್ಲಿ ಸಿಗದೆ ಕಾರಣ ಜಾರಿಗೆ ಅವಕಾಶವಿಲ್ಲದೆ ನಕಲುಗಳನ್ನು ವಾಪಸ್ಸು ಮಾಡಿರುತ್ತೇನೆ”. Thereafter, summons was issued twice through RPAD and same has been returned as and **“No such address and Party absent”**. In the case on hand, the summons issued to the other defendants at the same address was duly served. The defendant No.1 and other defendants are family members, and they together executed the alleged registered agreement of sale in favour of the plaintiff. As contended by the plaintiff that the address shown in the plaint is the last resided address of the defendant No.1. A conjoint perusal of bailiff shara and postal endorsement shows that the address shown in the plaint is the last resided address of the defendant No.1. The plaintiff has made the best efforts to take steps against the defendant No.1. Under this circumstances, the reasons assigned in the application are justified and made

out a prima-facie to allow the application. Accordingly I proceed to pass the following:-

**ORDER**

IA No.III filed by the plaintiff under Order-V Rule-20 is allowed.

Consequently, issue summons to the defendant No.1 through substitute service by way of affixture.

For appearance of defendant No.1 by:

Prl. Civil Judge & JMFC.,  
Hosakote.