

ORDER ON IA NO.II

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 defendants through substitute service by way of paper publication.

2. It is averred in the affidavit annexed to the application that, the summons issued to the defendants through the process of Court and registered post could not be served upon them. The defendants deliberately evading to receive the summons. The address mentioned in the plaint is permanent and last resided address of the defendants. Therefore, the Court may be pleased to issue summons to the defendants through substitute service by way of paper publication. With these, prayed to allow the application.

3. Heard,

4. The plaintiff has filed the present suit for permanent injunction. The learned counsel for the plaintiff submitted that summons issued to the defendants through process of Court and RPAD were not served and they have been deliberately evading to service of summons. The address mentioned in the plaint is the last resided

address of the defendants. As such, he prayed to allow the application.

5. On perusal of record discloses that, summons issued to the defendants through process of Court unserved for the reason 'ಹುಕ್ಕುಂ ಪ್ರಕಾರ ಈ ನೋಟೀಸಿನಲ್ಲಿ ಕಂಡ ಪ್ರತಿವಾದಿ ನಂ.1 ಮತ್ತು 2 ವಿಳಾಸಕ್ಕೆ ಹೋಗಿ ವಿಚಾರ ಮಾಡಲಾಗಿ ಪ್ರತಿವಾದಿಯರಿಗೆ ಜಾರಿ ಮಾಡಲು ಮನೆಯ ನಂಬರ್ ಮತ್ತು ವಿಳಾಸ ಪತ್ತೆ ಆಗದೆ ಸಮನ್ಸ್ ಮತ್ತು ದಾವಾ ಕಾಪಿಯನ್ನು ವಾಪಸ್ಸು ಮಾಡಿರುತ್ತೇನೆ.' The plaintiff contended that he does not know other address of the defendants. A perusal of process server Shara shows that the address mentioned in the plaint is the last resided address of the defendants. The plaintiff has made the best efforts to take steps against the defendants. Under this circumstances, the reason assigned in the application is justified and made out a prima-facie to allow the application. Accordingly I proceed to pass the following:-

ORDER

IA-II filed by the plaintiff under Order-V Rule-20 is allowed.

Consequently, issue summons to the defendants through substitute service by way of paper publication in Kannada Prabha/ Vijaya Karnataka/ Prajavani/

Hosadiganta/Samyukta Karnata daily news
paper.

For appearance of defendants by:

**Pri. Civil Judge & JMFC.,
Hoskote.**