

Case called out.

Parties are absent.

Learned counsels are present.

A perusal of case file shows that the suit summons issued to the defendant No.3 through the process of court was returned un-served. Hence, the plaintiff has filed application seeking substituted service of summons. Said application came to be allowed and accordingly the suit summons was issued through publication. The suit summons was published in Kannada daily Samyukta Karnataka dated, 22.07.2023.

This is a suit for partition and separate possession and for the relief of declaration that, the sale deed dated 01.07.2019 does not bind the share of plaintiff. It is mentioned in the plaint that whereabouts of defendant No.3 is not known. The plaintiff has taken proper steps to issue suit summons to the last known address of the defendant No.3. A publication of the suit summons is also taken in a Kannada Daily having wide circulation in the locality in which the defendant No.3 said to have resided. Moreover the learned counsel for the plaintiff has submitted that the plaintiff is not claiming any property out of the share of defendant No.3.

Despite publication of suit summons Kannada daily the defendant No.3 has remained absent. Accordingly, he placed exparte.

Defendants No.1 and 2 have not filed written statement. Defendants No.4 and 5 have filed written statement admitting the case of plaintiff. Hence, no issues arise for consideration. Hence, for plaintiff evidence.

Call on 11.02.2025.

Addl., Senior Civil Judge and
JMFC., Ranebennur.