

The counsel for plaintiff files I.A.No.2 U/o 5 rule 20 of CPC.

Heard and kept by for orders.

**ORDERS ON I.A.NO.2 FILED U/O 5
Rule 20 R/w. Sec. 151 OF CPC.**

The application under consideration is filed by the plaintiff under Order 5 Rule 20 of CPC seeking permission of this court to avail substituted mode of service suit summons upon the Defendant No.3 in the interest of justice and equity.

2. In the affidavit accompanying IA the applicant has stated on oath that, defendant No.3 is intentionally evading servicing of suit summons. Under such circumstances, it is just and necessary that, the plaintiff be permitted to take paper publication as a substituted mode of service of summons on defendant No.3. On these grounds, it is sought that, the plaintiff be permitted to take paper publication in Samyukta Karnataka, Haveri edition.

3. Heard learned Counsel for the plaintiff on application.

4. Perusal of the record shows that, this suit is filed against the defendants, seeking the relief of Partition and Separate Possession, but the suit summons could not be served upon the defendant No.3 by normal mode in spite of repeated issuance of notices through court and also through RPAD. If this court insisting upon normal mode of serving the suit summons upon the defendant No.3 would only further prolong the matter.

5. Further, address shown in the cause title is the last known address to the plaintiff. As such it is just and necessary to permit the plaintiff to take paper publication as a substituted mode of serving suit summons upon the defendant No.3. Hence, it is the firm opinion of this court that it is just and proper to permit the plaintiff to take paper publication as a substituted mode of serving suit summons upon the defendant No.3.

6. The plaintiff filed a memo seeking paper publication on Samyukta Karnataka News Paper. The said paper is circulating throughout the state. Hence, the memo is considered along with this application.

7. Accordingly, I proceed to pass the following order.

ORDER

“The Application filed under Order 5 Rule 20 of CPC by the plaintiff is hereby allowed in part.

Consequently the plaintiff is permitted to take paper publication as a substituted mode of serving the suit summons upon the defendant No.3 on Samyukta Karnataka Daily News Paper.

The plaintiff shall take paper publication on or before 05-12-2025.

For appearance of defendant No.3. by 09-01-2026

The plaintiff shall furnish paper citation and PF without fail.

By 09-01-2026

Sd/- 21-11-2025
Prl. Civil Judge and JMFC,
Ranebennur.