

6.10.2023

Order on IA U/O 5 Rule 20(1) of CPC

The plaintiffs have filed this application U/O 5 Rule 20(1) of CPC and sought to issue IA notice to proposed defendant No.2 by name Raghunathkumar by way of substitute service i.e., News paper publication.

2. The plaintiff No.1 has sworn to an affidavit in support of IA and stated that they have filed the suit for partition and separate possession. The proposed defendant is avoiding service of IA notice. Hence prays to allow the IA.

3. Perused the records. Heard arguments.

4. On perusal of the order sheet it is found that the above proposed defendant is evading the service of IA notice. Therefore it is just and necessary to allow the IA. Hence the following:

ORDER

The application filed by the plaintiffs U/O 5 Rule 20 (1) of CPC is hereby allowed.

Office to issue IA notice through substitute service i.e., to issue paper draft to publish IA notice to proposed defendant.

The plaintiffs shall submit draft citation before the CMO.

The C.M.O. shall verify and approve the draft and handover the same to the counsel for the plaintiffs.

The plaintiffs shall publish the draft Citation in the Kannada Daily News Paper Samyukta Karnataka on or before 15.10.2023.

For await report 16.11.2023.

Senior Civil Judge & JMFC, Sedam.