

ORDERS

The counsel for applicant/plaintiff No.1 has filed I.A.No.VIII under Order 5, Rule 20(1a) of C.P.C., praying to permit him to publish the summons to the defendant No.11 in Kannada local daily newspaper “**Samyuktha Karnataka**”.

2. The application is accompanied by the affidavit, sworn by the applicant/plaintiff No.1. In his affidavit he has stated that, the defendant No.11 though is residing in the address mentioned in the plaint he is intentionally avoiding the service of summons on him to drag on the proceedings. If this application is not allowed he will be put irreparable loss and injury which can not be compensated. Hence, prays to allow the I.A.No.VIII.

3. I have heard learned counsel for the applicant/plaintiff No.1 and gone through the materials on record.

4. Rule 20 of the Order V of C.P.C. specifies the substituted service to the regular service of summons. It is further stated that, the service of summons can be done by an advertisement in a newspaper. However, the newspaper shall be daily newspaper circulating in the locality in which the defendants are last

known to have actually and voluntarily resided, carried on business or personally worked for gain.

5. The instant suit is filed for the relief of Declaration and Mandatory Injunction. Therefore, it is necessary to order for substituted service of summons by way of paper publication to the defendant No.11 and general public. Therefore, the contents of the affidavit filed along with I.A.No.VIII are sufficient to accept the I.A.No.VIII. Thus, I am of the opinion that, the applicant/plaintiff No.1 has made out sufficient grounds to allow the I.A.No.VIII.

6. For the reasons stated above, I proceed to pass the following:-

:: ORDER ::

I.A.No.VIII filed under Order V Rule 20(1a) of C.P.C. seeking substituted service in paper publication is hereby **allowed.**

The applicant/plaintiff No.1 is hereby permitted to take substituted service by way of paper publication in a daily newspaper having wider circulation in the locality in **“Samyuktha Karnataka”** which the defendant No.11 is last known to have actually and voluntarily resided,

carried on business or personally worked for gain.

The applicant/plaintiff No.1 is hereby directed to furnish draft paper publication in the office.

Office to verify and issue paper publication.

For Appearance of defendant No.11.

Call on: 21.04.2025.

**C/C Civil Judge & J.M.F.C.,
T.Narasipura**