

ORDERS ON I.A.NO.III

The counsel for applicant/plaintiff No.3 No.3 has filed I.A.No.III under Order 5, Rule 20(1) of I.P.C., praying to permit him to publish the summons to the defendant No.4 to 6, 8 & 9 in Kannada local daily newspaper.

2. The application is accompanied by the affidavit sworn by the applicant/plaintiff No.3. In his affidavit he has stated that, the above suit is filed for the relief of Partition and Separate Possession. He has taken so many steps to serve the summons on the defendant No.4 to 6, 8 & 9 though they are residing in the address mentioned in the plaint and they are intentionally avoiding the service of summons on them to drag on the proceedings. If this application is not allowed we will be put irreparable loss and injury which can not be compensated. Hence, prays to allow the I.A.No.III.

3. I have heard learned counsel for the applicant/plaintiff No.3 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 defendant is 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 Partition and Separate Possession. Therefore, it is necessary to order for substituted service of summons by way of paper publication to the defendant No.4 to 6, 8 & 9 and general public. Therefore, the contents of the affidavit filed along with I.A.No.III are sufficient to accept the I.A.No.III. Thus, I am of the opinion that, the applicant/plaintiff No.3 has made out sufficient grounds to allow the I.A.No.III.

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

:: ORDER ::

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

The applicant/plaintiff No.3 is hereby permitted to take substituted service by way of paper publication in a daily newspaper having wider circulation in the locality in "**Kannada Prabha**", which the defendant No.4 to 6, 8 & 9 are last known to have actually and voluntarily resided, carried on business or personally worked for gain.

The applicant/plaintiff No.3 is hereby directed to furnish draft paper publication in the office.

Office to verify and issue paper publication.

For Appearance of defendant No.4 to 6, 8 & 9.

Call on:

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