

## **ORDERS**

The counsel for applicant/plaintiff has filed I.A.No.VII under Order 5, Rule 20 of C.P.C., praying to permit them to publish the summons to the Lrs of defendant No.2(a) and 2(b) through affixture.

2. The application is accompanied by the memorandum of facts, it is stated that, the plaintiff has filed the above suit for the relief of Declaration and Mandatory Injunction. The address of the Lrs of defendant No.2(a) and 2(b) the last known address mentioned in the cause title of the plaint. In spite of that they have purposefully avoiding the service of summons. If this application is not allowed the plaintiff will be put irreparable loss and injury which can not be compensated. Hence, prays to allow the I.A.No.VII.

3. I have heard learned counsel for the applicant/plaintiff and gone through the materials on record.

4. 4. Order V, Rule 20(1), of the Code of Civil Procedure, provides that: “when the Court is satisfied that the defendant is keeping out of the way for the purpose of avoiding service, or that, for any other sufficient reason the summons cannot be served in the ordinary way, service may be effected by affixing a copy of the summons in some conspicuous place in the Court house, and also in some conspicuous place of the house, if any, in which the defendant is known to have last resided, or carried on

business, or personally worked for gain, or in such other manner as the Court thinks fit”.

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 affixture. Therefore, the contents of affidavit filed along with I.A.No.VII are sufficient to accept the I.A.No.VII. Thus, I am of the opinion that, the applicant/plaintiff has made out sufficient grounds to allow the I.A.No.VII.

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

**:: ORDER ::**

I.A.No.VII filed under Order V, Rule 20 of C.P.C. seeking substituted service by way of affixture is hereby **allowed**.

The applicant/plaintiff is hereby permitted to take substituted service by way of affixture against the Lrs of defendant No.2(a) and 2(b).

For Appearance of Lrs of defendant No.2(a) and 2(b).

Call On 08.03.2023

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