

KAVP210002982014



Presented on : 20-12-2014
Registered on : 20-12-2014
Decided on : --
Duration :

**IN THE COURT OF
ADDL CIVIL JUDGE AND JMFC BASAVANA BAGEWADI AT
Basavana Bagewadi, VIJAYAPURA
Presided Over by Hon. Smt. SAUMYA HOOLI.**

O.S./526/2014

Plaintiff:
Khajesab s/o Rajesab Chapparabanda
Age: 40
Occupation :
Address: Hebbal

VERSUS

Defendent:
Imamasab S/o Haidrasab Chapparabanda
Age: 45
Occupation :
Address: Hebballeg

2:Subba W/o Kashimsab Chapparabanda
Age: 0
Occupation :
Koppa

3:Banubi W/o Mahiboobsab Chapparabana
Age: 0
Occupation :
Hunagunda

4:Subanabi W/o Chandasab Chapparabanda Alias Hebbal
Age: 0
Occupation :

Hebbal

5:Chandabi W/o Bashasab Chapparabanda Alias Hebbal

Age: 35

Occupation :

Maharastra

6:Malikma W/o Abdul Chapparabanda

Age: 0

Occupation :

Hebbal

7:Sahebbi W/o Khuddusab Chapparabanda

Age: 0

Occupation :

Hebbal

8:Rajabi D/o Khuddusab Chapparabanda

Age: 0

Occupation :

Hebbal

9:Rajesab S/o Khuddusab Chapparabanda

Age: 0

Occupation :

Hebbal

10:Hushainabi W/o Molali Chapparabanda

Age: 0

Occupation :

Halihal

11:Ramajasab S/o Khuddusab Chapparabanda

Age: 0

Occupation :

Hebbal

12:Noorjan W/o Yamanur Chapparabanda

Age: 0

Occupation :

Baxar Nagar Ambaranath

13:Jannatabi W/o Imamsab Hebbal

Age: 0
Occupation :
Devangaon Jama

14:Sukrawwa W/o Kashimsab Chapparabanda
Age: 0
Occupation :
Koppa

15:Halima W/o Moulasab Chapparabanda
Age: 0
Occupation :
Kolhapu

Advocate for Plaintiff: Kulkarni Nandakishore Swamirao.
Advocate for Defendent: SSK appearing for Imamasab S/o Haidrasab
Chapparabanda: Advocate appearing for 2,3,4,5,6,7,8,9,10,11,12,13,14,
15 respectively.

ORDER ON IA.No.IV

The plaintiff has been filed this application under order 5 Rule 20(a) of CPC seeking issuance of suit summons to the defendant No.12, 13, and 15 through paper publication.

2. The plaintiff filed affidavit along with application by contending that, number of time suit summons were issued to the defendant No.12, 13 and 15, but same are returned as unserved. The defendant No.12, 13 and 15 are permanent resident of their respective places in Karnataka state but know defendant No.12, 13 and 15 are residing at Maharashtra state Therefore, it is prayed for issuance of suit summons to the defendant No.12, 13 and 15 through Maharashtra state news paper "Sakal". If the application is allowed no loss will

cause to the other side on the other hand the plaintiff will be put to untold hardship. Hence, prays to allow the application.

3. Heard.

4. After going through the entire material available on record, the plaintiff has filed this suit against the defendants for partition and separate possession, On perusal of the records and application along with the affidavit filed by the plaintiff, it is stated that, the summons issued through process of Court returned unserved, with the shara of the bailiff by stating that the defendant No.12, 13 and 15 are not available. It is further noted in the affidavit that, the notice issued by the Court, through RPAD, also returned with acknowledgement as unserved. On consideration of the above said circumstances, it is shown that the defendant No.12, 13 and 15 are intentionally and deliberately evading the service of the summons to protract the proceedings. Hence, I am of the opinion that the application filed by the plaintiff deserves to be allowed. Hence, I proceed to pass the following:

ORDER

IA.No.IV filed U/o 5 Rule 20 of CPC by the applicants/plaintiff is hereby allowed.

The plaintiff is directed to issue summons against defendant No.12, 13 and 15 by way of substituted service

through Maharashtra state news paper
“Sakal”

Call on: 22.04.2022

**Addl. Civil Judge,
Basavan Bagewadi.**

ORDER ON IA.No.V

The plaintiff has been filed this application under order 5 Rule 20(a) of CPC seeking issuance of suit summons to the defendant No.2 to 4, 6 to 8 and 14 through paper publication.

2. The plaintiff filed affidavit along with application by contending that, number of time suit summons were issued to the defendant No.2 to 4, 6 to 8 and 14 , but same are returned as unserved. The defendant No. 2 to 4, 6 to 8 and 14 are permanent resident of their respective places in Karnataka state. Therefore, it is prayed for issuance of suit summons to the defendant No. 2 to 4, 6 to 8 and 14 through Karnataka state news paper “Kannada Prabha”. If the application is allowed no loss will cause to the other side on the other hand the plaintiff will be put to untold hardship. Hence, prays to allow the application.

3. Heard.

4. After going through the entire material available on record, the plaintiff has filed this suit against the defendants for partition and separate possession, On perusal of the records and application along with

the affidavit filed by the plaintiff, it is stated that, the summons issued through process of Court returned unserved, with the shara of the bailiff by stating that the defendant No 2 to 4, 6 to 8 and 14 are not available. It is further noted in the affidavit that, the notice issued by the Court, through RPAD, also returned with acknowledgement as unserved. On consideration of the above said circumstances, it is shown that the defendant No. 2 to 4, 6 to 8 and 14 are intentionally and deliberately evading the service of the summons to protract the proceedings. Hence, I am of the opinion that the application filed by the plaintiff deserves to be allowed. Hence, I proceed to pass the following:

ORDER

IA.No.V filed U/o 5 Rule 20 of CPC by the applicants/plaintiff is hereby allowed.

The plaintiff is directed to issue summons against defendant No. 2 to 4, 6 to 8 and 14 by way of substituted service through Karnataka state news paper “Kannada Prabha”

Date: 15.03.2022

(Hon. Smt. SAUMYA HOOLI.)
ADDL CIVIL JUDGE AND JMFC
BASAVANA BAGEWADI