

MHAH080006062025



ORDER BELOW EXH-18 IN Reg.
Dkst. NO. 24 OF 2025.
(Sharad Dattatray Saraf
 Vs.
Sunil Maruti Kulthe and Ors.)

(Passed on 22/01/2026)

The present darkhast is filed by the plaintiff/DH against the defendant/JD for injunction. The present darkhast has been pending for service of summons to the defendant/JD No. 1B since institution of the darkhast. It appears from the record that, summons were issued to the defendant/JD No. 1B from time to time but vide bailiff report **Exh-17** shows that, at the address mentioned in the notice, defendant/JD No. 1B was not found. However, her brother in law Vishal Dixit and sister in law Kajal Dixit were personally met there. Upon making inquiry with them regarding defendant/JD No. 1B, they stated that defendant/JD No. 1B has been residing at Sangamner for the past two to three months and that they are not aware of her complete address.

02. Then after, vide this application plaintiff/DH has prayed that, notice may be issued to the defendant/JD No. 1B as per Order V Rule 20 (1-A)(by paper publication in Newspaper circulating in locality.)

03. The Hon'ble Bombay High Court in case of **Hamida Haji Haroon and others Vs. Khairunissa Haji Mohammed and others 2009(5) ALL MR 66** has held that, *Substituted service is permitted when the summons could*

not be served in the ordinary way or that the court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service. Order V Rule 20 (Sub-rule 1-A) provides for the mode of substituted service and if one of the modes adopted is service by an advertisement in the newspaper, then, requirement of Order V Rule is duly served.

04. Vide bailiff report Exh-17 it transpires that, summons is unserved to defendant/JD No. 1B because she is not traced on that address which is her last known address. Hence, it is necessary to issue summons as per provisions of Order V Rule 20(1-A) of the C.P.C. Hence, following order :-

:: ORDER ::

- 01.** Application Exh-18 is allowed. No order as to costs.
- 02.** Summons be issued to defendant/JD No. 1B by an advertisement in daily local newspaper in both localities i.e. Ahmednagar and Pune, as prayed.

Date:- 22/01/2026.
Place:- Sangamner.

(Smt. S. B. Dhawale)
Jt.Civil Judge, Junior Division,
Sangamner, Dist. Ahmednagar.