

ORDER BELOW EXH. 56 (IN RCS No. 86/2023)

Plaintiff has filed this application to serve summons to defendant No. 1, 2, 40 and 42 through paper publication. It is the contention that, summons was issued time and again to aforementioned defendants on their last known address but it did not serve, therefore, permission is to be granted to serve the summons by publishing in daily newspaper. Application is supported by an affidavit.

2. Heard Learned advocate for the plaintiff. Perused file and record.

3. This is suit for removal of encroachment and recovery of possession. It is seen from the record that, Bailiff reports dated 14.03.2023 at Exh. 6, dated 04.01.2024 at Exh. 42, dated 08.02.2024 at Exh. 43, dated 23.09.2024 at Exh. 13 shows that Defendant No. 1, 2, 40 and 42 were not found on the address mentioned in the suit summons. It clearly discloses that, plaintiff has taken every endeavor to serve the summons to the defendant No. 1, 2, 40 and 42. Bailiff reports discloses that in ordinary way summons can not be served on the last known address. Hence, application is deserved to be allowed and plaintiff is permitted to serve the summons to defendant No. 1, 2, 40 and 42 by publishing it in daily newspaper by way of substituted service of summons. In the result I pass the following order:

ORDER

1. Application Exh. 56 allowed.
2. Issue proclamation to the defendant No. 1, 2, 40 and 42 in daily newspaper which is widely circulated at Ahmednagar district.

3. Plaintiff is directed to produce quotation about cost of publication and affidavit in support and deposit amount corresponding to the cost of publication as found in quotation.
4. Summons shall be returnable on 12.12.2024
5. Plaintiff shall file affidavit of compliance along with copy of publication

Date- 12.11.2024
Place- Shevgaon

(Monali A. Bendre)
2nd Jt. Civil Judge, Jr. Division,
Shevgaon