

ORDER BELOW EXH.16 IN R.CS.NO.316/2015 :-

1. The present application moved by the plaintiff for service of summons on defendants no.1 and 3 as per Order-5, Rule-17 of the Code of Civil Procedure.

2. The plaintiff specifically alleged that both the defendants are intentionally avoiding the service of summons in order to prolong the suit and hence, prayed service of summons as above.

3. The learned advocate for the plaintiff forcefully submitted that the defendant no.3 filed caveat in which he has given the same address. He also put reliance on sale-deed between the defendants which discloses the same address as in the plaint. Therefore, from all above facts and circumstances, I am of the opinion that the defendants no.1 and 3 are intentionally avoiding the service of summons. Moreover, considering the addresses of the defendants no.1 and 3 in the sale-deed and also in the caveat application, it is a fit case to order of service of summons by affixing the copy of the summons on the house of the defendants. Hence, application deserves to be allowed and I proceed to pass the following order :-

ORDER

1. The application (Exh.16) is hereby allowed.
2. Issue suit summons to defendants no.1 and 3 under Order-5, Rule-17 of the Code of Civil Procedure.

Place : Shrigonda.
Date : 14/06/2016.

(K. M. Kayangude)
Jt. Civil Judge Senior Division
SHRIGONDA