

ORDER BELOW EXH.NO.29

This is an application filed by the plaintiffs for seeking substituted service of summons against defendant no.5 by way of paper publication under Order V Rule 20 of the Code of Civil Procedure (*hereinafter referred to as "The C.P.C." for short*).

2) Read the application heard the Ld. Advocate for the plaintiffs. He submitted that the suit summons issued to defendant no. 5 through RPAD which is returned 'unserved' with an endorsement that defendant no.5 denied to accept the notice.

3) In order to, issue summons by substituted service under Order V Rule 20 of the C.P.C. it is necessary to say that there is a reason to believe that, the defendant is intentionally avoiding the service of summons or summons can not be served in ordinary way. I am of the considered view that the endorsement of post master is sufficient to show that the defendant is intentionally avoiding service of summons. Therefore, the summons required to be issued by way of paper publication and by affixing the copy upon some conspicuous part of house as well as Court premises. Therefore, it is necessary to issue suit summons under Order V Rule 20 of the C.P.C. Hence I pass following order.

ORDER

- 1) The application at Exh. 29 is allowed.
- 2) Issue suit summons to defendant no.5 by way of paper publication, by affixing a copy at conspicuous place in the Court and the house of defendant no. 5 under Order V Rule 20 of the C.P.C.

Date : 31/03/2023

(S.Y. Wakchaure)
3rd Jt. Civil Judge (J.D.) &
Judicial Magistrate, First Class
Gangapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	:	Kailas Shivaji Rasve
Court	:	Shri. S.Y. Wakchaure, 3 rd Joint Civil Judge (J.D) & J.M.F.C. Gangapur, Dist. Aurangabad.
Date of order	:	31/03/2023
Order signed by the presiding officer on	:	31/03/2023
Order uploaded on	:	31/03/2023