

MHBU130034902022

R.C.S. No. 292/2022
Ramesh Parihar
Vs.
Kamalbai Waghmare**Order below Exh. No.10**

The present application is filed on behalf of the plaintiff under the provisions of Order V Rule 17 and Section 151 of the Civil Procedure Code, 1908,

2. The learned advocate for the plaintiff submitted that, the suit summons issued by this court; but the bailiff report shows that, the defendant no.1 and 4 could not be found at their place. The family members of defendant no.1,2, 4 have refused the service of summons. The defendants are willfully avoiding service of summons. He further submitted that, in these circumstances, it is necessary to allow this application and it will help in order to secure the present of defendant.

3. After hearing the advocate for the plaintiff, I have gone through the record and proceeding. The record of the case shows that, the family members of the defendants are refusing service of summons on behalf of defendants. Thus, the possibility of avoiding service of summons by the defendants could not be ruled out. After considering the report, I am of the opinion that, issuance of summons under order V Rule 17 will secure the presence of the defendants no. 1,2, 4. In the present matter, the presence of the defendant nos. 1,2, 4 is necessary in order to just and proper adjudication of the present suit. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. It is hereby directed to the concern bailiff to affix a

copy of summons on the outer door of work or some other conspicuous part of the house of defendant nos. 1,2, and 4. The concern bailiff is further directed to return the original copy of summons with a report.
(Dictated and pronounced in open Court.)

Place: Chikhali
Date: 06.10.2023

(P.R. Kulkarni)
Jt. Civil Judge Jr. Dn. Chikhli.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original order.	
Name of the Stenographer	: S.B. Deshpande
Name of the Court	: J.M.F.C. Court, Chikhali
Dated	: 29.04.2023
Order uploaded on	: 29.04.2023