

MHGA050005592025

RCS. No.15/2025
Digambar .Vs. MaltiOrder below Exh.77Dated:-30.01.2026

The plaintiff filed present application to issue suit summons to defendant No.1-A as per Order V Rule 17 of C.P.C. It is contention of the plaintiff that suit summons were issued to defendant No.1-A through general process as well as by register post. The register posed enveloped has been returned with endorsement 'addressee absent'. The report of general process has not been received till date to this Court, as the address of defendant is of Nagpur which is beyond territorial jurisdiction of this Court.

2. The plaintiff has filed present application praying that summons be served upon the defendant No.1-A in accordance with Order V Rule 17 of the C.P.C. From the postal endorsement and report it appears that the defendant No.1-A could not be served despite issuance of summons by more than one mode. At the stage, it is necessary to ensure effective service of summons so that proceeding may move forward. Therefore, to secure service and in the interest of justice, it is appropriate to permit service of summons under Order V Rule 17 of C.P.C. subject to compliance of statutory requirements. Hence, following order;

Order

- 1] Application is allowed.
- 2] The Court bailiff is directed to attempt personal service of suit summons upon the defendant No.1-A, if the defendant is not found despite due and reasonable diligence, to affix a copy of summons on the outer door or some other

conspicuous part of the house in which the defendant No.1-A ordinarily resides or carries on business in accordance with Order V Rule 17 of C.P.C.

- 3]** The serving officer shall record detailed report stating
- i)** the efforts made to find the defendant No.1-A,
 - ii)** the name and address of witnesses present at the time of affixture,
 - iii)** and manner of affixture.

Date : 30/01/2026
Desaiganj.

(Satish G. Gore)
Civil Judge (Jr. Dn.)
Desaiganj.