



Order Below Exh. 18 in RCS No. 70/ 2020 dated 10/12/2020

1. Present application is under **Order V Rule 20** of the Civil Procedure Code.
2. Read the application. Heard Ld. Adv. Shri. Paikarao of the plaintiff.
3. Plaintiff is present. He filed affidavit in support of this application vide **Exh. 19**
4. Perused the **bailiff report** vide **Exh. 11**. Bailiff report says that son of the defendant has not accepted the summons of the defendant no. 2 stating that his father defendant no. 02 resides at Waghadi. He come at son's house , which is the given address for few times only. As the summons is in the name of defendant no. 02, it should be given to defendant no. 02 personally. Though these are the submissions of the son of the defendant no. 02, he has not denied his residence on the given address.
5. Before moving to discussion, let us see the what provision is providing. **Order V Rule 20** of the CPC provides, " where the court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service or for any other reason when he cannot be served by ordinary way, Court shall order summons to be served by affixing a copy thereof in some conspicuous part of the house ."
6. In the application, it is contended that defendant no.02 is deliberately avoiding the service of summons though he has knowledge about the suit. Bailiff report is depicting the same. So I am of the view that defendant no.2 is deliberately trying to avoid the summons. Now in the given set of facts, so as to serve the defendant no. 02 in best way, service of defendant no. 02 in the manner provided in **Order V Rule 20 of the CPC** is proper. So application which is based on the bailiff report, for serving summons to the defendant no. 02, in the manner provided in order V Rule 20 seems to me tenable.

7. Considering all the above mentioned reasons, I pass following order-

Order

1. Application vide Exh. 18 is allowed.
2. Bailiff to do the service of summons to the defendant no.02 in accordance with the procedure laid down in the Order V Rule 20 of the Civil Procedure Code.

Date- 10/12/2020

Place- Partur

Smt. Pooja N Kokate
Civil Judge Junior Division
JO Code- MH-2489

Certificate

I affirm that the contents of this PDF file Order are same word to word as per the original Order.

Name of the Stenographer	R.B. Dukare
Name of the Court	Smt. P.N. Kokate, CJJD Partur.
Date of dictation	10/12/2020
Order Signed by P.O. on	10/12/2020
Order Uploaded on	11/12/2020