

ORDER PASSED BELOW EXH.41

This application is filed by plaintiff praying therein to serve summons on defendant Nos.3 and 4 by affixing it on their door. It is stated on behalf of plaintiff that bailiff report shows that house is closed as well as when summons issued by RPAD, it was returned unserved. According to plaintiff, defendants are trying to avoid to service of summons on them. Hence, he prayed to issue summons on them by affixing on their door.

2. Having heard learned advocate for plaintiff and considering provisions given in Order 5 Rule 17 and Order 5 Rule 20 of the Code of Civil Procedure, it becomes clear that when defendant is avoiding to accept summon or he is not present at house and there is not chance of his coming back to house within reasonable time, in that case bailiff can affix the summon on conspicuous part of the house in which the defendant ordinarily resides. Plaintiff has prayed to issue summon as per Order 5 Rule 20 of the Code of Civil Procedure. From perusal of record, it appears that defendants are avoiding service summons on them. In view of aforesaid discussion, application deserves to be allowed. In result, I pass following order.

ORDER

(1) Application is allowed.

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Special Civil Suit No.17/2017.
CNR NO.: MHKO07-000631-2017.

(2) Issue summons to defendant with direction to bailiff that if defendant Nos. 3 and 4 are not found at house on the given addresses, he can serve summons on them as per order 5 Rule 20 of Civil Procedure Code by affixing it on the conspicuous part of the house as well as in the Court.

Jaysingpur.
Dt.: 22.01.2019.

Sd/-
(K.G.Sawant)
Civil Judge Senior Division,
Jaysingpur.

