



MHNS190004762013

Reg. Civil Suit No.95/2013

Vimalbai Eknath Mutekar and others

Vs.

Shivram Karbhari Mutekar and others

Order below Exh.70

1. The present application is filed by the plaintiff under Order-5 Rule-20 of the Code of Civil Procedure for summons to defendant No.9.

2. Heard, Id. Adv. Shri. Ranaware for plaintiffs. He submitted that this Court issued summons to defendants no.9 through bailiff however, bailiff has filed report that the defendant no.9 is not residing on the said address. Therefore, he prayed that summons may kindly be issue as per Order-5 Rule-20 of the Code of Civil Procedure.

3. I perused the record. The present suit has been filed by plaintiff for partition, declaration and perpetual injunction. As per Order-5 Rule-20 of the Code of Civil Procedure if, Court is to be satisfied that there is a reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason, the summons cannot be served in ordinary way, then Court can pass orders of service by an by affixing a copy thereof in some conspicuous place as prayed by plaintiff. However, it is not a contention of plaintiff that defendant no.9 is keeping away him to avoid the service. Therefore, there is

no reason to believe that defendant no.9 are avoiding the service of summons hence, I do not find any substance in the argument advanced by Id. Adv. for plaintiff at this stage. Hence, without having merits in the application needs to be rejected. Hence, I pass following order.

– **ORDER** –

Application is rejected.

Date : 01/10/2019

[N.N. Chintamani]
Civil Judge, J.D.
Yeola (Nashik).