

RCS No.06/2024**CNRNOMHOS020001742024****Madan Dhage****Vs.****Mandakini Dhage & Ors.****ORDER BELOW EXH. 22****(Order passed on 03/02/2025)**

By present application plaintiff praying for substituted service of summons upon defendant No.2, 3 & 4 by way of affixing copy of the summons on the conspicuous part of house of defendants on the address mentioned in Exh.1. As per contents of application, despite issuance of summons present defendants deliberately avoiding the same. They are residing at the address mentioned in Exh.1. Therefore, it is prayed to allow the application.

2. Ld. Counsel for plaintiff argued in line with contents of present application.

3. Perused application and record. Heard the argument.

4. From perusal of bailiff report it reflects that, defendant no.2 Shridhar is currently residing at Delhi in connection with Airline services. Defendant no.3 Rajesh has been in service as Supply Officer at Collector Office, Gondia. On the other hand, mother of defendant no.4 refused to accept summons issued to defendant no.4 Akshada. On the ground that, she is residing at Philippines in connection with her education. So, from perusal of bailiff reports of defendant no. 2 to 4 it transpires that, summons could not be served on them because they are not residing at the address mentioned in Exh.1. Provisions of Order V Rule 20 of C. P. C. would come into picture only when there

is satisfaction that defendant is keeping out of way for the purpose of avoiding service of summons or that for any other reason summons can not be served in ordinary way. Plaintiff has not produced any material to show that, defendant no. 2 to 4 are not residing outside the jurisdiction of the Court and in fact they are residing at the address mentioned in Exh.1. Under such circumstances, it can not be held that defendants are keeping out of the way for the purpose of avoiding service of summons. As far as, defendant no.2 and 3 are concerned, considering the services in which they are engaged the plaintiff can very well obtain information regarding their address and can takes steps to serve the summons on the said addresses. As far as, defendant no.4 is concerned, firstly, plaintiff shall make efforts to obtain her address in Philippines and plaintiff can apply for service of summons upon her through International speed post. Therefore, in view of all this discussion, I am of the considered view that, at this stage the present application is not tenable. Hence, the following order:

ORDER

1. Application is rejected.
2. Plaintiff shall take note of this order and shall take necessary steps for service of summons upon defendant no. 2 to 4.
3. Plaintiff to bear cost of present application.

Date : 03/02/2025

(A.P. Kulkarni)
Jt. Civil Judge, Senior Division,
Bhoom.

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer	---	Mr. Sayyad R.M., Stenographer G-II
Court	---	Mr. A. P Kulkarni Jt. Civil Judge, Senior Division, Bhoom, District - Osmanabad.
Date	---	03.02.2025
Order signed by the Presiding Officer on	---	03.02.2025
Order uploaded on	---	03.02.2025