

:: ORDER BELOW EXH. 79 IN RCS NO. 26/2016 ::

Perused application exh.79 and affidavit in support thereof at exh.80. Heard Ld. Shri. Thite for the applicant.

02. The Ld. Advocate Mr. Thite for the applicant submitted that the Defendant no.03 to 08 and 10 deliberately avoided service of summons of the suit and thereafter started illegal construction on the suit property. The Defendants are deliberately avoiding service of summons, therefore summons of the suit against Defendant no.03 to 08 and 10 is required to be effected by publication in Local News Paper under the provisions of order 5 rule 20 of C.P.C.

03. On perusal of record it is observed that the applicant had filed similar application at exh.78 and My Ld. Predecessor on 24/02/2020 passed order thereon and directed bailiff to effect the service of summons by affixing copy thereof at conspicuous part of the house of the defendants. However, till date summons against the defendant no.03 to 08 and 10 is not issued by the court and the applicant has filed the present application again praying for issue of summons under the provision of order 5 rule 20 of C.P.C.

04. My Ld. Predecessor while passing order to below exh.78 rejected prayer of the applicant to effect the service of summons by publication in the Local News Paper and ordered to effect service of summons by affixing copy thereof at conspicuous part of the house of the defendant and but bailiff has not effected service of the summons as directed vide order dated 24/02/2020. Hence, in absence of report of bailiff as ordered vide order dated 24/02/2020, I am not inclined to allow the application. Hence, following order.

Order

Application Exh.79 is rejected.

Mahad.
Date: 02.03.2020.

(V. R. Doifode)
I/C Civil Judge, Junior Division, Mahad.