

MHRT080006272023**civil M.A.20/2023****order below Exh. 8****Nilesh Manohar Desai****Vs****Suresh Janardan Bhoje**

Present application is filed for seeking substituted service for service on non applicant.

2. Heard learned advocate Shri. Kadam for applicant. Application is supported by affidavit. Perused the bailiff report at Exh 6. It is specifically stated in the application that, bailiff submitted their report after service of summons upon the addresses mentioned in the plaint that, the said non-applicant resides in Mumbai and hence summons couldn't served. It further appears that twice the same report is filed by the bailiff.

3. It is stated in the application that, non-applicant is avoiding service of process on him. He appears in another civil litigation pending in this Court RCS 30/2021. On inquiry with applicant, he submitted that non-applicant resides at the same address. The address in Mumbai is not traceable to applicant also.

Hence, he be served substitutly by way of summons vide Order V Rule 20 of CPC. Order V Rule 20 provides that if the Court comes to conclusion that defendant is avoiding service, Court shall order the summons to be served by affixing a copy thereof in some conspicuous part in the Court and also upon conspicuous part of part of house where he resides.

4. Considering the request and the report of bailiff I have no hesitation to allow the plaintiff for seeking substituted service as prayed in the application. Hence, the order.

ORDER

- (1) The application is allowed.
- (2) Applicant be permitted for seeking substituted service against the non applicant under Order 5 Rule 20 (1) of the Code of Civil Procedure.
- (3) Plaintiff to note and comply as per the rules.

sd/-

Date- 17/01/2024

**(Shruti H. Patil)
C.J.J.D. Deorukh.**

civil M.A.20/2023

3

Exh. 8