



ORDER BELOW EXH. 14

This is an extra ordinary application filed by the father of the opponent who is not party to the petition. He has filed this application for returning back the summons which was served by affixing copy under Order V Rule 20 of the Code of Civil Procedure, 1908. According to the applicant opponent is his son and he does not reside with him and therefore, the summons be taken back.

2. Claimant has given say to this application to its overleaf and submitted that the application is filed only with a view to disown the liability. The service is proper and hence, application be rejected.

3. Heard Learned Adv. Andhari for claimant.

4. The record and proceedings reveals that the claimant was unable to serve summons upon the opponent in ordinary way. As the opponent could not be served with summons, despite several efforts, the claimant opted for service of summons under Order V Rule 20 of the Code of Civil Procedure, 1908. The application itself speaks that summons under Order V Rule 20 of the Code of Civil Procedure, 1908 has been served. It is applicant's contention that as the opponent does not reside with him, he is returning back the summons. The documentary evidence on record such as the FIR shows that opponent is resident of Kankavali. His driving licence reveals that he is resident of Chavanwadi at Post Shirval, Tal. Kankavali. Thus, the permanent address of the

opponent is Chavanwadi, at Post Shirval, Tal. Kankavali. The Applicant does not rely the address on which the summons is served under Order V Rule 20 of the Code of Civil Procedure, 1908. His only contention is that the opponent does not reside with him. But there is no reliable document on record to substantiate his contention. On the contrary, the documents on record show that opponent is residing permanently on the address on which the summons is served. Further, as per Order V Rule 15 of the Code of Civil Procedure, 1908 'service of summons on any adult member of the defendant's family is proper service of summon.' Thus, the summons is properly served upon the opponent. Hence, it cannot be taken back. Hence, I pass following order.

-.: ORDER :-

1. The application is rejected.
2. No order as to costs.

Sindhudurg
Date – 12/09/2023

(V. S. Deshmukh)
Member
Motor Accident Claim Tribunal,
Sindhudurg- Oros.