

Regular Civil Suit No. 58/2023
M/s Laxminarayan Auto. Vs. Rasika Warang & Ors.

ORDER PASSED BELOW EXH.31

(Passed on 26/05/2023)

Plaintiff has filed an application for issuance of summons and notice as per Order 5, Rule 20 of the Code of Civil Procedure, 1908. The record shows that this court has passed an order dated 06.0.2023 and thereby issued show cause notice against the defendants. but it has not been served to the defendants till today. Thereafter this court has passed an order below Exh. 28 dated 17.05.2023 and thereby directed both parties to maintain status quo till next date.

2. Plaintiff contended that, notice was issued through special bailiff but defendants avoiding service of notice. Therefore, today plaintiff filed an application for taken on board the said case at Exh.32 and thereby prayed for alternative service of notice as well as summons as per Order 5, Rule 20 of the Code of Civil Procedure, 1908 by affixing notice on conspicuous place of defendants' house by way of this application. Plaintiff filed pursis at Exh. 33 stating that, defendants are residing at House no. 561, Grampanchayat Tulsuli Tarfe Mangaon.

3. Applicant also contended in the application that, defendants are permanently residing at. po. Taliwadi, behind Vividh Sahkari karyakari Society, Grampanchayat Tulsuli Tarfe Mangaon, Tal. Kudal Dist. Sindhudurg. Hence, considering the above said circumstances, I proceed to following order:

ORDER

- 01.** Issue summons and show cause notice to the defendant no.1 and 2 as per Order 5, Rule 20 of the Code of Civil Procedure, 1908 as prayed.
- 02.** Plaintiff is directed to file assessment extract of defendants' house or affidavit showing the detail address of the defendant no. 1 and 2 for affixing summons and notice on defendants' house.
- 03.** Bailiff or other person before affixing copy of summons and notice shall verify that house property is belong to the defendants.

Date : 26/05/2023.

(**P. R. Dhore**)
I/c. Civil Judge Jr. Divn., Kudal