

ORDER BELOW EXH. 57 IN R.C.S. NO. 08/2018
CNR-No-MH-SI-06-000061-2018

1. By this application plaintiff has prayed to issue summons to defendant Nos. 7 to 14 by publishing the same in daily news paper circulating within the area wherein these defendants have been known as last resided under Order V Rule 20 (1-A) of the Civil Procedure Code,1908 . It is contended that these defendants are avoiding the service of summons. As such he has been constrained to file this application.

2. Heard Ld. Counsel for plaintiff.

3. Perused the record and proceeding of the case.

4. This is a suit for partition and separate possession of the share by plaintiff against defendants who are his brothers, sisters and relatives. In this case summons duly served to defendant No. 4. When this summons sought to be served on these defendants, the defendant No. 4 refused to receive the summons of these defendants and informed their residence at Mumbai, Pune and Vengurla. However, their specific address have been not provided by defendant No.4. In view of this aspect it transpires that defendant Nos. 7 to 14 are having knowledge about filing of this suit by the plaintiff. In that case from the bailiff report it transpires that defendant No. 7 to 14 are keeping out of the way for the purpose of avoiding summons. So also this summons cannot be served in the ordinary way. In that case the remedy left with is only for the substituted service of summons under Order V Rule 20 (1-A) of the Civil Procedure Code,1908 . In the result I pass the following order.

-: ORDER :-

1. The application at Exh. 57 is allowed.
2. Issue summons to defendant No. 7 to 14 by publishing the same in the daily news paper circulating in the locality in which they have last known to have been actually resided.
3. Plaintiff to comply accordingly.

Date :30/09/2019.

(Smt.R.R.Bedagkar)
Civil Judge (Junior Division),
Sawantwadi.