



ORDER BELOW EXH.28 IN R.C.S. NO.48/2019
CNR-No-MH-SI-08-000692-2019

Perused the application submitted by plaintiff for service of summons by newspaper publication on defendant No. 4(A) Raman Yashwant Sawant as per Order V Rule 20(1A) of the Code of Civil Procedure. Heard Ld. Advocate S.B.Dalvi for the plaintiff. It is contended by the plaintiff that the suit summons was not served on defendant No. 4(A) Raman Yashwant Sawant When plaintiff asked on phone to defendant No. 4(A) Raman Yashwant Sawant about his address then he gave evasive answers and refused to give his address. Inspite of the attempts plaintiff could not succeed to get his address. Hence prayed for service of summons to defendant No. 4(A) Raman Yashwant Sawant for publication in daily newspaper circulating in Thane district.

02. Advocate for defendant No. 1a and 3a contested the application and filed their say on Exh. 28. He submitted that the application is false and illegal. This application is not maintainable as plaintiff has not followed the provisions of the Code of Civil Procedure. Hence prayed for rejecting the application.

03. Perused the record. The name of the defendant No. 4(A) is Shri. Yashwant Narayan Rane and he is the resident of Mulund, Mumbai. In the present application the plaintiff has mentioned the name of defendant No.4(A) as Raman Yashwant Sawant who is defendant No.1(A) and not defendant No. 4(A). The plaintiff is prayed for issuing the summons through paper publication as per order V Rule 20 (1A) on defendant No.4(A) but plaintiff has not mentioned correct name of the defendant No.4(A) and also not mentioned the name of the Daily Newspaper circulating in Thane district. The present application is filed without proper name of the defendant No. 4(A) and name of the Daily Newspaper in Thane district. Hence this application is not tenable and not according to the legal provision of Code of Civil Procedure. Hence the following order.

O R D E R	
1	Application at Exh.28 stands rejected.

Date :10/11/2021.

Sd/-
(Smt. D.K.Patil)
Jt. Civil Judge (Junior Division) ,
Kankavali.