

COMMON ORDER BELOW APPLICATION VIDE EXH. 11,
16, 20 R.C.S.No.170/2025.
(Tanaji Narhari Yadav Vs. Hanmant Vishnu Babar)

1] Perused all the applications. Heard both the Ld.advocates. Defendants are claiming that, service upon female is not valid as per Bombay Amendment Act under Order V Rule 15 of Code of Civil Procedure.

2] Perused the bailiff report. It can be seen that, service of defendant No.5 is effected on defendant No.3, who is a female. The Bailiff's Manual Chapter II para 2 explains, "The law does not hold service on a female member or on a minor as valid service and therefore process should not be served on them when they are addressed to other members of the family". Moreover The Bombay Amendment Under Order V Rule 15 have inserted adult male member instated of male or female member as described under Order V Rule 15 of Code of Civil Procedure. It is reproduced for perusal.

3] Bombay Amendment Act Order V Rule 15, "*Where service may be on an male member of defendant's family*". :- When the defendant cannot for any reason be personally served and has no agent empowered to accept service of the summons on his behalf, service may be made on **any adult male member** of the family of the defendant who is residing with him.

4] Considering the facts and circumstances and provision of law, I proceed to pass following order.

:: ORDER ::

- 1] The service of summons effected upon defendant No.3 on behalf of defendant No.5 is not a valid service.
- 2] Plaintiff to take necessary steps to serve defendant No.3 as per rules.
- 3] Accordingly all the three applications i.e. Exh.11, 16 and 20 are disposed off.
- 4] Defendants to bear costs of the applications.

sd/-

Date: 03/12/2025.

(R.B.Kulkarni)
Jt. Civil Judge Jr. Dn.,
Atpadi.

Certificate

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	-A.S. Yadav
Court	- Jt. CJJD and JMFC, Atpadi.
Date	- 03.12.2025
Order signed by the	
Presiding Officer on	- 03.12.2025
Order uploaded on	-05.12.2025