

ORDER ON EXH. 143 IN R.C.S.No. 57 OF 2008
Rukamabai Ghodake V/s. Vishwambhar Ghodake

Present application is filed by plaintiffs for seeking permission to service suit summons on defendant Nos. 3C namely Ranjana Balaji Dudhbhate and 3D Anju Apparao Gawade by advertisement in News Paper as contemplated in Rule 20 of the Order V of the Civil Procedure.

2. Perused application, affidavit filed in support of it and say of other defendants as well as record.

3. Heard learned advocate for plaintiffs and other defendants.

4. Perused of record particularly Exh. 138 i.e. bailiff report dated 13.02.2019 and 03.05.2019 in respect of the defendant Nos. 3C and 3D it reveals that, they are not residing in given address and they lived at Pune. No one given their detail address. For this reason suit summons is unserved. Plaintiff has tried his best to serve suit summons on these defendants through court process. But in spite of above said efforts, he has failed to serve suit summons on these defendants. Therefore, he has filed present application with above said prayer.

5. Other defendants have objected the application on the ground that, the address of these defendants have not clearly mentioned. Plaintiffs gave wrong address of these defendants and they not take appropriate steps before publication.

6. Before proceed further it appears on perusal of proceeding, the defendant Nos. 3A to 3D are legal heirs of deceased Premnath. It also appears as per Exh.138, the defendant Nos. 3A and 3D are the mother and brother of the defendant Nos. 3C and 3D. The defendant Nos. 3A and 3B are served with suit summons. The suit is more than 10 years old. The argument advanced by the learned advocate for the other defendants in respect of the responsibility of serving summons is upon the plaintiffs. No doubt, it is responsibility of the plaintiffs, but it appears that, the defendant Nos. 3A and 3B also the relatives and they have not stated the address of

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these defendants. Further, the plaintiffs in spite of efforts, have failed to serve suit summons on these defendants.

7. Perusal of record reveal that, the present suit is filed for partition and separate possession of suit property. Considering bailiff report, the defendant Nos. 3C and 3D have not residing at given address and they are residing at Pune but the plaintiffs have not knowledge about detail address.

8. Therefore, it would be just and proper to allow present application. Hence, following order is passed -

ORDER

1. The application is allowed.
2. The plaintiff is permitted to serve the defendant Nos. 3C and 3D with suit summons through advertisement in a newspaper Daily **Sakal**, Solapur and Pune or a news paper widely circulating in the locality in which the defendant resided, subject to payment of necessary charges.
3. In addition to above said mode, the defendant Nos. 3C and 3D be served by suit summons through R.P.A.D. as well as affixing a copy thereof upon conspicuous part of their house and conspicuous place in the court house.
4. The plaintiffs to submit draft of notice to this court.
5. After advertisement of the suit summons, the plaintiffs are hereby ordered to submit copy of concerned newspaper in this court.
6. Costs on plaintiffs.

Date:- 07/03/2020

(S.N. Gavali)
_Jt.Civil Judge Junior Division, Akkalkot.

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Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer :- D.S.Landage (L.G.)

Court :- J.M.F.C.& Jt. Civil Court,J.D.,Akkalkot.

Date :- 07/03/2020

Judgment/Order signed by
the Presiding Officer :- 09/03/2020

Judgment/Order uploaded on :- 12/03/2020