

**ORDER ON EXH. 28 IN R.C.S.No. 79 OF 2013**  
**Girjabai Malgonda V/s. Nilkant Malgonda**

Present application is filed by plaintiff for seeking permission to service suit summons on defendant no. 5 namely Kamlakshi Nilkant Malgonda 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 record.
3. Heard learned advocate for plaintiff.
4. Perused of record particularly Exh. 23, it reveals that, (the report is in Kannad language and submission of Ld. Advocate on plaintiff) the present defendant is not residing there on such name. For this reason suit summons is unserved. Plaintiff has tried his best to serve suit summons on the defendant through court process. But in spite of above said efforts, he has failed to serve suit summons on the defendant. Therefore, he has filed present application with above said prayer.
5. As per order exh. 30, suit summons issued by R.P.A.D. to the present defendant. Today, the envelop of it returned as 'unclaimed hence returned to the sender '. The envelop is at exh. 32.
6. Perusal of record reveal that, the present suit is filed for partition and separate possession of suit property. Considering bailiff report, defendant has not residing at given address as such name. But, envelope shows unclaimed.
7. 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 No. 5 with suit summons through advertisement in a newspaper Daily Sanchar, Solapur and Veerwani, Vijapur 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 be served by suit

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summons through affixing a copy thereof upon conspicuous part of his house and conspicuous place in the court house.

4. The plaintiff to submit draft of notice to this court.
5. After advertisement of the suit summons, the plaintiff is hereby ordered to submit copy of concerned newspaper in this court.
6. Costs on plaintiff.

**Date:- 06/02/2019**

Sd/-  
**(S.N. Gavali)**  
\_Jt.Civil Judge Junior Division, Akkalkot.