

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.148 IN Spl.C.S.No.9/2009

Mr. Shivaji Gajanan Patil	...Plaintiff.
<i>Versus</i>	
1. Mr. Amrut Bhikuso Patil and Ors.	...Defendants.

Advocate Mr. J. S. Patil for the plaintiff.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 15/07/2026

ORAL ORDER :

This is an application filed on behalf of plaintiff for permission to serve the writ of summons upon the defendant Nos.2A to 2C by substituted service i.e. by way of paper publication.

2. Perused the application.

3. I have gone through the record. It appears from record that the plaintiff has filed suit against the defendant for recovery of compensation of an amount of Rs.99,00,00,000/- alongwith 12% interest etc. on the grounds specifically mentioned in the suit. As per the contents of Exh.115 during pendency of suit defendant No.2 Mr. Murlidhar Ananta Shingote expired on 06/08/2020 therefore, plaintiff has filed application to bring his legal heirs on record. Notices were issued to the proposed legal heirs of defendant No.2. In spite of notices in daily newspaper 'Dainik Prabhat' dated 09/12/2023 and by way of pasting as per bailiff report below Exh.124, the legal heirs of deceased defendant No.2 failed to appear before Court and failed to contest that application by filing their say. Considering all these aspects Court has allowed the application at Exh.115 on 04/12/2024. Thereafter, suit summons were issued to

proposed defendant Nos.2A to 2C. As per postal endorsement on R.P.A.D. receipt below Exh.145, 146, 147 it appears that there is stamp of 'Dainik Punyanagari' on it. As per contents of the present application, the plaintiff tried to serve the writ of summons to the defendant Nos.2A to 2C at their given address as per title cause of the amended copy of plaint but the defendant Nos.2A to 2C remained to be served, as they were not found at the given address. The plaintiff stated that the defendant Nos.2A to 2C purposely avoiding the service of the writ of summons and their last known addresses are the address which are given in the title cause of the amended copy of the plaint. Considering the postal reports and as per contents in present application, there is a reason to believe that after using all due and reasonable diligence writ of summons could not be served to the defendant Nos.2A to 2C. Therefore, present application deserves to be allowed. Hence, in the interest of justice, I proceed to pass the following order.

:: ORDER ::

1. Application below Exh.148 is allowed.
2. Permission is granted to the plaintiff to serve the writ of summons upon the defendant Nos.2A to 2C by way of advertisement in the daily news paper in the locality where they were ordinarily lastly resided as specifically mentioned in cause title of the copy of amended plaint on P.F.
3. Plaintiff is directed to bear the costs of news paper publication and after paper publication of writ of summons its copies be produced before the Court.

Date : 15/07/2026.

[S. B. Todkar]
Civil Judge, S.D. Karad.