

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU**

**Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.**

Monday, the 12th day of January 2026

I.A.No.3/2026

in

OS.No.244/2022

CNR No:TNCG01-001208-2022

V.Rajaganapathy

..Petitioner/Plaintiff

-Vs.-

1.S.Ravindranath

2.N.Kanagaraj

3.M.Sumathy

4.S.R.Narasimhan

5.A.Sagaya Arul

6.V.S.Sugirtha

7.The Joint I Sub Registrar, Saidapet

..Respondents/Plaintiffs

This Petition coming before this court on 12.01.2026 for final hearing in the presence of M/s.R.Balaguruswamy, R.Srithar, D.Jaipriya and S.Anitha, counsel for the Petitioner/Plaintiff and upon hearing the arguments of petitioner's side and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition has been filed under order 5 Rule 20 of CPC to pass an order of substituted service of summons of paper publication in the Malai Malar Daily News paper, Trichy Edition against the 6th defendant.

2. The Petition averments in brief as follows:-

The Petitioner is the plaintiff in the suit. The original suit was filed to declare the petitioner as the title owner of the suit schedule property and declaration to declare the deeds in the name of the defendants as null and void along with permanent injunction. The suit is in the stage of service to 6th defendant and previously the 7th defendant was served summons and till date, the 7th defendant has not filed any written statement in this case, this court ordered summons to the defendants on 28.04.2022, steps taken by petitioner and on 06.09.2022, summons to Defendants 6 and 7 served, the 6th defendant made appearance through G.P, D6 called absent, set-exparte, but mistakenly adjudication passed by this Court and on the same other defendants D1 to D5 private notice ordered. On 14.11.2022, affidavit of service filed complying the service to D1 to D5 and Substituted Service ordered against them and again private notice ordered to D1 to D5 on 06.03.2023 to the correct address, again Private Notice ordered on the same date even though the AOS Filed and adjourned to 28.06.2023 and again take private notice and AOS filed, and repeatedly same thing happened on 13.09.2023, 05.10.2023 and finally on SS ordered on 19.01.2024 and paper publication to D1 to D5 allowed in their residential area on 12.07.2024

published on or before 27.08.2024 and the paper publication effected and the same was filed as affidavit of service on 30.09.2024, and they were called absent and till date they were not set ex-parte. Even though the 6th defendant was served summon and set-exparte on 06.09.2022, due to the mistake in adjudication, this court again ordered summon to D6 through USA Embassy as the petitioner was not aware of the 6th defendant's address at USA. Hence the petitioner approached Hon'ble High Court at Madras for the remedy and filed CRP No.5271 of 2025 and the same was heard and observed as, The Learned counsel for the petitioner submits that the sixth defendant is residing at United States and the petitioner is not aware of the address of the sixth defendant. If the petitioner is not aware of the present address of the sixth defendant, who is said to be residing at United States, notice shall be taken to the last known address of the sixth respondent and the petitioner is also entitled to seek alternate mode of service under order V of Code of Civil Procedure. Therefore the petitioner is directed to effect service by following the procedure laid down under Order V of Code of Civil Procedure, After service of notice to all the defendants before the Trial Court, the Learned Additional District Judge, Chengalpattu, shall proceed with the suit in O.S.No.244 of 2022." Service regarding the defendants 1 to 5 by way of substituted service through paper publication was effected and they were called absent on 30.09.2024 and till date they were not set-exparte and regarding the 6th defendant, the Hon'ble High Court at Madras is directed to effect service under Order V of CPC

and already service to the 7th defendant also effected and hence this petition for substituted service to effect the paper publication. Hence the petition.

3. The point for consideration:-

Upon the perusal of the petition and other materials this court has framed the following point for consideration:

“Whether the petition is to be allowed as prayed for”

4. Answer to the Point:-

The petition is filed under Order 5 Rule 20 CPC. The averments stated in the supporting affidavit has been perused. The case records analyzed. The plaintiff took several summons to D6. Summon is not yet served. As per the averments, petitioners state that the 6th defendant resides in United States of America and he is not aware of the address of the 6th respondent. Therefore, the summons could not be served. The plaintiff submits that substituted service may be ordered. The having regard to the facts and circumstance of the case this court is inclined to order substitute the service.

In the result the petition is allowed. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 12th of January 2026.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: Nil

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.3/2026 in
O.S.No.244/2022
Dated:12.01.2026
ADJ/CPT
