

IN THE COURT OF SUBORDINATE JUDGE, METTUR
Present: Thiru. R.Saravana Babu, B.A., L.L.B.,
Subordinate Judge, Mettur
Saturday, the 20th day of September 2025
I.A.No. 1 / 2025
in
HMOP. No. 118/2024

Dr.R.Aarthika

... Petitioner / Petitioner

/ Versus /

S.Santhirakandh

... Respondent / Respondent

This application coming up for final hearing on 20.09.2025 before this Court in the presence of Thiru.B.Balamurugan, Counsel for Petitioner, and perusing the records, having stood over for consideration till this date, this Court delivered the following:

ORDER

The Petitioner has filed this Petition Under Order 5 Rule 25 and Section 151 of CPC

2. The Brief facts of the petition :

The Petitioner is the petitioner in the above HMOP No. 118/2024. The Petitioner has filed the petition U/S 13(1)(ia) (ib) of Hindu Marriage Act. The petitioner has filed petition under Order 5 Rule 25 of CPC and stated that the respondent is the husband of the petitioner and lived with the petitioner in India for some time. The respondent has shifted his residence to the country of Canada. Therefore, the petitioner has sent notice to the respondent through RPAD and said notice also not returned to the court on 05.06.2025. The court has again ordered notice to the respondent. The petitioner has filed this petition that the respondent has been resided at Canada and no one is present in his address to receive the court notice on behalf of the respondent. Therefore, the petitioner has prayed this court to order the petition to serve the notice by way of E-mail, Private notice etc.,

3. Now the point for consideration is that:

Whether the application filed under Order 5 Rule 25 and Section 151 of CPC is deserves to be allowed or not ?

4. Heard the Petitioner side and documents perused.

5. Point:

The petitioner has filed the application U/S 13(1) (ia)(ib) of HM Act for the relief of divorce. It is further found from the petition, it has been filed before the court on 13.09.2024 and it has been numbered and the court has passed the order of notice to the respondent for appearance on 07.11.2024. Thereafter, the notice sent to the respondent has been returned for the reasons stating that the respondent has been resided in Canada. Hence, notice was not served upon the respondent. Therefore, petitioner has sent notice to the respondent to his foreign address for his appearance but the respondent was evaded to receive the notice. Hence, filed the petition under Order 5 Rule 25 of CPC.

6. The Specific under Order 5 Rule 25 of CPC has been speaks about the service of the summons to the respondent who was not residing in India and also resided in foreign countries. The under Order 5 Rule 25 of CPC has held that in case of the defendant/respondent is residing out of India and if he has no agent empowered to accept the notice then the court can pass order to issue a summon or notice to the respondent place ordinarily resides. The under Order 5 Rule 25 of CPC deals with the specific situation, when the defendant/respondent residing outside India and he does not have any agent in India and if service of notice reported that the respondent has gone abroad, then it could be effected in the manner prescribed in under Order 5 Rule 25 of CPC.

7. As far as the present case is concerned, the petitioner also took all her sincere efforts to serve the court notice for the appearance of the respondent but it was ended in vain. The notice sent by the petitioner also returned as the respondent has gone abroad, therefore, the postal department was not able to effect the service to the respondent. It is necessary for the petitioner to effect the service to the respondent in manner known to law. Considering the nature and circumstances of the case, the petitioner is directed to issue a

paper publication on or before 10.10.2025 to the respondent for his appearance. The petitioner is further directed to sent a E-Mail to the respondent user mail ID for his appearance before this court on or before 31.10.2025.

In the result, the petition is allowed with above directions. No cost.

Dictated to typist and computerized by her, and corrected and pronounced by me in the open court, this the 20th day of September 2025.

Sd/-Saravana Babu
Subordinate Judge,
Mettur

Petitioner / Petitioner Side Exhibits and Evidence : Nil.

Respondent/Respondent Side Exhibits and Evidence : Nil.

Sd/-Saravana Babu
Subordinate Judge,
Mettur