

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.**

Thursday, this the 14th Day of March – 2024

**I.A.No. 05 of 2024
In
O.S.No. 653 of 2009
(CNR.No.TNVL23-000111-2018)**

1. Jaya
2. Chandra
3. Vijayalakshmi

.....Petitioners/Plaintiffs

-Vs-

1. Kesave Reddy (Died)
2. Shanmugi ammal
3. Rajani
4. Shoban Kumar

.....Respondents/Defendants

This petition is coming before me for final hearing today, in the presence of Thiru.S.Gunasekaran and Thiru.G.Vijayabaskar, the Counsel for the Petitioners and substituted service for the 2nd Defendant. Upon perusing the entire case records and having stood before this court for consideration till this date, this court delivers the following:

ORDER

This petition has been filed by the petitioners/plaintiffs under Order 5 Rule 20 and Section 151 of Civil Procedure Code, to order substituted service

for the 2nd defendant by way of paper publication in one issue of Dinamalar Tamil daily -Vellore Edition.

Records perused. This petition has been filed by the petitioners to order substituted service for the 2nd defendant by way of paper publication in one issue of Dinamalar Tamil Daily -Vellore Edition. In the affidavit, the petitioners stated that on receipt summon, the 2nd defendant entered appearance through her counsel and she was remained exparte in the suit. After the 2nd defendant left the village and her whereabouts were not known to the Villagers and the petitioners states that this is the last known address of 2nd defendant and prayed to order substituted service. On careful perusal of records, D2 was impleaded in the suit and she was duly represented by the counsel who appeared for D1 in the suit, and she adopted the written statement of D1. During trial, D2 was set exparte. Thereafter, D1 died in the year 2023 and then the plaintiff was amended as the deceased D1 LR's are already on record. After the Amendment in the plaint and considering the nature of relief, summon was ordered to D2. But D2 summon was returned as no such person and D2 RPAD returned as died. At this juncture, plaintiffs filed memo that D2 not died but her whereabouts not known the Villagers and the plaint mentioned address of D2 is the last known address of the plaintiff and then, the plaintiffs have come forward and filed this substituted service petition. Considering the above facts and circumstances and this court is of the view that there is no possibility of ordinary service of court process and

satisfied that she is evading the ordinary court service and in the interest of Justice, this court is inclined to order substituted service. In the result, this petition is allowed and ordered to issue summon to D2 through paper publication in one issue of Dinamalar Tamil Daily -Vellore Edition on (or) before 04.04.2024.

Pronounced by me in the open court, this the 14th day of March
2024.

(Sd/-).. K.Venkatesan
DISTRICT MUNSIF
KATPADI