

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 93 of 2020

Narendra Kumar **Versus** Kirtichand (died) Through Lrs., 1(a) Smt. Rampyari Dewangan,

26-9-2023	Mr. Sanjay Patel, counsel, for the appellant. Heard on I.A.No. 2 of 2023 which is an application filed under Order 5 Rule 20 CPC read with Section 151 of CPC. Learned counsel for the appellant would submit that the respondents/defendants were proceeded ex parte before the trial court also and even though the suit filed by the plaintiff for specific performance has been dismissed. He would further submit that he has given Rs.3,00,000/- towards earnest money which has not been served. He would further submit that there is sufficient material for this court to record a finding that the notice could not be served upon the respondents despite issuance of notice, it is nothing but avoiding of notice of service by the court. Therefore, paper publication is only remedy to serve the notice upon them which is now existing. Considering this aspect of the matter, I.A.No.2 of 2023 is allowed and the appellant is permitted to serve notice on legal heir of deceased respondent No.1/defendant No.1 through paper publication within two weeks from the date of receipt of a copy of this order and the date of hearing shall be given on 1-12-2023. PF be paid within ten days. List this case on 1-12-2023. Sd/- (Narendra Kumar Vyas) Judge

Raju