

***RSA No. 202 of 2008FAO No. 234 of
2019***

24.6.2019 Present: Mr. Sanjeev Kuthiala, Sr. Advocate with Mr. Hitesh, Advocate, for the appellant.

Mr. Sunil Mohan Goel, Advocate, for respondent No.1.

CMP No. 4990 of 2019

This application has been filed for substituted service of respondent No. 2, Tashi Panchog, by way of affixation of notice on his house situated on the given address. It is submitted by learned counsel for the appellant that earlier respondent No. 2 was served on the same address and was duly represented by an Advocate, who unfortunately has now expired and thereafter, fresh notice issued to respondent No. 2 has been received back with report that addressee is not residing on the given address.

Learned counsel further submits that said respondent was sued in the original suit on the same address and was duly represented not only in the suit, but in appeal also and therefore, it is only last known address of said respondent, who is an agriculturist businessman, available with the appellant.

In the aforesaid facts and circumstances, it can be construed that respondent No. 2/non-applicant is evading and refusing the service. Therefore, present application is allowed and respondent No.2 is allowed to be served by way of affixation of notice/summons in accordance with the provisions of CPC i.e. the notice be affixed on the prominent place of residence of respondent and also other prominent places of his village/Panchayat of his residence. Application stands disposed of.

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In addition to the notice through ordinary process, *dasti* notice to respondent No.2 also be issued on taking appropriate steps i.e. filing of process fee etc. within five days for the said purpose returnable within four weeks.

June 24, 2019
(ms)

(Vivek Singh Thakur)
Judge