

Amit Malhotra Vs. Meena Malhotra

COPC No.42 of 2023

11.08.2023 Present: Mr. K.S. Gill, Advocate, for the petitioner.

CMP No.8089 of 2023

Heard.

It has been pleaded and canvassed by learned counsel for the petitioner that despite petitioner's best efforts, he has not been able to serve the respondent at the available address. Service upon the respondent could not be effected in the present proceedings. That in the ongoing proceedings before the learned Family Court, the petitioner had moved an application under Section 151 of the Code of Civil Procedure (CPC) seeking police assistance. While deciding the application, learned Family Court had directed the respondent not to change the address without informing the petitioner, so that the order qua visitation rights could be executed. Learned counsel for the petitioner submits that the petitioner had attempted to serve the respondent on her known address, however, the report has always been that the respondent has not been found at the given addresses. In the aforesaid background, the petitioner has moved this application under Order 5 Rule 20 CPC for effecting service upon the respondent by way of publication in the newspapers.

The allegation in the main contempt petition is that the respondent is not letting the petitioner meet his son since 2018.

In view of the above submissions, the application is allowed. The petitioner is permitted to serve the respondent by publishing the notice in three newspapers, i.e. The Tribune (Chandigarh Edition), Amar Ujala (Himachal Edition) and The Times of India. The requisite charges be deposited by the petitioner within a week, whereafter publication be carried out by the Registry within next six weeks.

The application stands disposed of.

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List after six weeks.

August 11, 2023
Mukesh

Jyotsna Rewal Dua
Judge