

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION No.5411 of 2017

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 17.03.2017 passed by the learned VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, in O.S.No.446 of 2017. This order reads as under:

“Await summons to D1 to D4. Memo filed by counsel to publication in any other News paper. But once order is already passed by numbering court to publication in DC. This is not an appellate court to alter said order of PSCJ. However Call on 13-07-2017.”

The memo filed by the petitioners/plaintiffs reads to the effect that the first plaintiff, being a widow, would not be able to afford publication of the notice in Deccan Chronicle English newspaper, which would cost about Rs.42,000/-, for effecting substituted service of notice upon the fifth defendant. It is on this ground she asked for change of the newspaper for carrying out the publication of the notice. She prayed that such publication should be permitted in Siyasat Urdu daily newspaper, Hindu English daily newspaper, Nava Telangana or Mana Telangana, Telugu daily newspapers. The trial Court however opined that it could not sit in appeal over the earlier order passed by the learned Principal Senior Civil Judge, Ranga Reddy District, directing publication of the notice in Deccan Chronicle English newspaper.

As the matter is still at the stage of service of notice upon the defendants who are shown as respondents in this C.R.P., this Court is of the opinion that the matter can be disposed of without giving them an opportunity of hearing.

As the issue only relates to substituted service of notice upon the fifth defendant through publication in a newspaper and as the petitioners/plaintiffs assert that such publication in Deccan Chronicle English newspaper would be far more expensive than other newspapers, the civil revision petition is allowed permitting the petitioners/plaintiffs to effect substituted service of notice upon the fifth defendant in the suit through publication thereof in Siyasat Urdu daily newspaper, Indian Express English daily newspaper and Nava Telangana Telugu daily newspaper, having circulation in Ranga Reddy District.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

29th December, 2017
PGS

JUSTICE SANJAY KUMAR

