

C.M.P.No.23225 of 2018
in A.S.No.54 of 2010

Dr.G.JAYACHANDRAN, J.,

In the appeal, the 2nd respondent, who is the vendor to the appellant, notice could not be served, since she whereabouts is not known.

2. As per pleading and evidence of the case the 1st respondent is the adopted son of the 2nd respondent. This Court had directed the 1st respondent to furnish any detail about the 2nd respondent whereabouts if he knows. Pursuant to the direction, the 1st respondent has filed a detailed affidavit, wherein, he has specifically stated that after he was driven out from the suit property, the 2nd respondent was very much living in the suit property and dealing the property only with the builder/the appellant herein. The appellant is the best person to know the whereabouts of the 2nd respondent.

3. In the said circumstances, this Court is of the view that the petition filed by the appellant for substituted service to be allowed. The learned counsel for the appellant is permitted to take paper publication in one issue of tamil daily "Malai Malar" circulated within the locality of the 2nd respondent.

4. The appeal stands posted to 23.02.2021. The paper publication should be atleast 3 days earlier to the date of hearing.

05.02.2021