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C.M.P. No. 19200 of 2023
in
S.A. No. 640 of 2009

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to permit the petitioners to take publication (Substituted service) on the 17th respondent by affixing copy of notice in some conspicuous place in the court house and also upon some conspicuous part of his house viz., Parthasarathy, son of Dr.Janakiram, No.84, Makkan Road, Bangalore-560 001 in which he was known to have last resided and also order service by publication in a newspaper circulating in their locality in which he is last known to have resided in the above matter.

2. Today, when the matter taken up for hearing, Mr.V.Nicholas, learned counsel for petitioners/appellants appeared and submitted that the notice sent to 17th respondent was returned with an endorsement “person not found”. He would submit that only with a view to delay the proceedings, he wantonly and willfully evaded to receive notice sent to him. Hence, he filed the present petition praying to permit him to take



publication on the 17th respondent.

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3. Mr.Abhinav Parthasarathy, learned counsel for 1st respondent, Mrs.Srimathi, learned counsel for respondents 2 to 6, Mr.C.Ramesh, learned counsel for 7th respondent and Mr.T.M.Hariharan, learned counsel for Respondents 8 to 11 appeared and submitted that they have no objection in allowing this petition.

4. Considering the facts and circumstances and on considering submissions of learned counsel for petitioners, in the interest of justice, this petition is allowed and the petitioners are permitted to take substituted service by way of paper publication on the 17th respondent in anyone local daily having wide circulation in his locality at Bangalore, viz., having last resided place at No.84, Makkan Road, Bangaore-560 001 stating that the above Second Appeal will be taken up for hearing on 05.10.2023.

28.08.2023

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