



C.M.P. No. 22323 of 2023
in
A.S. No. 808 of 2020

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to pass an order to take substituted service by effecting publication in anyone of issue of vernacular newspaper (Tamil) as against the respondents 2, 3, 5, 11 for the hearing to be fixed by this court.

2. Mr.R.Ganesan, learned counsel for petitioners/appellants appeared and submitted that the respondents 2, 3, 5 and 11 are deliberately evading service of summons and even if any decree passed by this court without conclusive proof of service against them, the error being incurable as the non-service of notice to the parties to the lis would render the decree that might be passed by this court, which would become nullity and it would also cause multiplicity of proceedings during the execution proceedings. Hence, he filed the present petition praying to permit him to take substituted service by effecting publication.



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3. Mr.V.P.Sengottuvel, learned counsel for 1st respondent appeared and submitted that he has 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 respondents 2, 3, 5 and 11 in anyone local Tamil daily having wide circulation in the locality at Chennai with respect to respondents 2 and 3 and at Sathyamangalam with respect to respondents 5 and 11 stating that the above Appeal Suit will be taken up for hearing on 17.10.2023.

27.09.2023

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